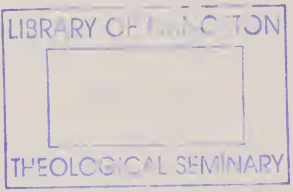

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THE

WHOLE WORKS

OF

THE RIGHT REV. JEREMY TAYLOR, D.D.

LORD BISHOP OF DOWN, CONNOR, AND DROMORE:

WITH

A LIFE OF THE AUTHOR,

AND

A CRITICAL EXAMINATION OF HIS WRITINGS,

BY THE

RIGHT REV. REGINALD HEBER, D.D.

LATE LORD BISHOP OF CALCUTTA.

IN FIFTEEN VOLUMES.

VOL. XII.

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LORD BISHOP OF DOWN, CONNOR, AND DROMORE.

VOLUME XII.

CONTAINING

THE RULE OF CONSCIENCE.

PRINCETON
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CONTENTS

OF

THE TWELFTH VOLUME.

THE RULE OF CONSCIENCE.

BOOK I.—*continued.*

OF CONSCIENCE, THE KINDS OF IT, AND THE GENERAL RULES OF CONDUCTING THEM.

CHAP. III.

OF THE CONFIDENT OR ERRONEOUS CONSCIENCE.

RULE I. PAGE

An erroneous Conscience defined 1

RULE II.

An erroneous Conscience binds us to Obedience, but not so as a right Conscience does 5

RULE III.

An erring Conscience is a cause of Sin 16

RULE IV.

It is a greater Sin to do a good Action against our Conscience, than to do an evil Action in obedience to it 18

RULE V.

It is not lawful to delight in an evil Action, after the Discovery of our Error 20

RULE VI. PAGE

Conscience is to be obeyed even against the Commandment of our Superiors 22

RULE VII.

An abused Conscience ought to be reformed by the Will, and contrary Reason 26

RULE VIII.

The Error of a Conscience is not always to be opened to the erring Person 28

CHAP. IV.

OF THE PROBABLE, OR THINKING CONSCIENCE.

RULE I.

A probable Conscience defined 31

RULE II.

A probable Conscience may be made certain 33

RULE III.

Of two Opinions equally probable, one may be safer 71

RULE IV.

An Opinion speculatively probable, is not always practically the same 72

RULE V.

The greater Probability destroys the less 75

RULE VI.

When two Opinions seem equally probable, the last Determination is to be made by collateral Inducements 80

RULE VII.

It is not lawful to change our practical Sentence, while the same Probability remains 84

RULE VIII.

A Probability is not to be followed, except in great Necessity 87

RULE IX.

Multitude of Authors is not ever the most probable Inducement ... 90

RULE X.

In following the Authority of Men, the Choice is wholly to be conducted by Prudence 100

RULE XI. PAGE

A probable Opinion may be lawfully deposed, upon Confidence of the Sentence of another 109

RULE XII.

He that inquires of several Doctors until he find one answering according to his Mind, cannot by that Inquiry make his Conscience safe 113

RULE XIII.

A Man may sometimes answer against his own Opinion 115

RULE XIV.

The Guide of Souls may sometimes proceed according to the Conscience of the Penitent 115

RULE XV.

The probable Sentence of a prudent Man, is more than a probable Warranty to Actions otherwise undeterminable 117

CHAP. V.

OF A DOUBTFUL CONSCIENCE.

RULE I.

A doubtful Conscience defined 118

RULE II.

A negative Doubt binds only to Caution and Observance..... 120

RULE III.

A privative Doubt cannot obstruct a prudent Inducement 123

RULE IV.

In Doubts of Right, or Law, we are always bound to inquire; but in Doubts of Fact not always 124

RULE V.

In Doubts the safer Part is to be chosen 127

RULE VI.

The Conscience may act against a speculative Doubt 133

RULE VII.

Every Judgment of the Conscience is sufficient for the Deposition of a Doubt 138

RULE VIII.

Of two contrary Precepts, the more binding is preferable 140

CHAP. VI.

OF THE SCRUPULOUS CONSCIENCE.

RULE I. PAGE

A scrupulous Conscience defined 172

RULE II.

A Conscience sufficiently instructed by proper Arguments, may proceed to Action against the Scruple 177

RULE III.

He that is troubled with Scruples, ought to rely upon the Judgment of a prudent Guide 180

RULE IV.

When a Doubt is resolved in the Entrance of an Action, we must judge of our Action by the same Measures as before ..... ibid.

RULE V.

Remedies of a scrupulous Conscience 182

BOOK II.

CHAP. I.

OF THE LAW OF NATURE IN GENERAL.

RULE I.

The Law of Nature defined 191

RULE II.

The Law of Nature is the Foundation of all Laws, and the Measure of their Obligation 228

RULE III.

The greatest Band of the Law of Nature is Fear of Punishment ... 230

RULE IV.

The second Band of Virtue is Love 236

RULE V.

The Imperfection of civil Laws is supplied by natural Obligation ... 241

RULE VI. PAGE

Criterion of Sins against the Laws of Nature..... 252

RULE VII.

Actions forbidden by the Law of Nature are not only unlawful but also void..... 255

RULE VIII.

An Act forbidden by the Law of Nature for the Turpitude of the Action, is also void, when the Turpitude remains..... 259

RULE IX.

The Law of Nature can be dispensed with, by the Divine Power... 260

RULE X.

The Law of Nature cannot be dispensed with, by any human Power 270

RULE XI.

That the Obligation to a natural Law does cease in any Particular, is to be declared by the public Voice 277

RULE XII.

The Exactness of natural Laws may be allayed by Equity 278

CHAP. II.

OF THE LAW OF NATURE, OR OF ALL MANKIND, AS IT IS COMMANDED, DIGESTED, AND PERFECTED, BY OUR SUPREME LAWGIVER, JESUS CHRIST, VIZ. OF THE CHRISTIAN LAW, THE GREAT RULE OF CONSCIENCE.

RULE I.

The Law of Jesus Christ is more obligatory than the Old Testament 281

RULE II.

The Ceremonial Law is void 287

RULE III.

The Judicial Law of Moses is annulled..... 296

RULE IV.

The Ten Commandments of Moses are not a perfect Digest of the Law of Nature 350

RULE V.

Explications of the Moral Law, found in the Old Testament, are Parts of the Moral Law 357

RULE VI. PAGE

Every Thing in the Decalogue is not obligatory to Christians..... 360

RULE VII.

There is no State of Men or Things, but is to be guided by the Proportion of some Rule or Precept in the Christian Law 439

CHAP. III.

OF THE INTERPRETATION AND OBLIGATION OF THE LAWS OF JESUS CHRIST.

RULE I.

In negative Precepts the Affirmatives are commanded; and in the affirmative Commandments, the Negatives are included..... 465

RULE II.

When a Negative and an Affirmative seem opposite in any Sense, the Affirmative is to be expounded by the Negative, not the Negative by the Affirmative..... 475

RULE III.

In the affirmative and negative Precepts of Christ, not only what is in the Words of the Commandment, but whatsoever is symbolical or alike, is equally forbidden or commanded..... 477

RULE IV.

When any Thing is forbidden by the Laws of Jesus Christ, all those Things are forbidden also which follow from that forbidden Action, and for whose Sake it was forbidden 485

RULE V.

The Laws of Jesus Christ are the Measures of the Spirit, and are always to be extended to a spiritual Signification..... 489

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THEOLOGICAL
SEMINARY.

THE

RULE OF CONSCIENCE.

BOOK I.—*Continued.*

OF CONSCIENCE, THE KINDS OF IT, AND THE GENERAL RULES OF CONDUCTING THEM.

CHAPTER III.

OF THE CONFIDENT, OR ERRONEOUS CONSCIENCE.

RULE I.

An erroneous Conscience commands us to do what we ought to omit; or to omit what we ought to do, or to do it otherwise than we should.

In this, there is no other difficulty but in the last clause. For when our blessed Lord had propounded an instance of perfection, he that not only obeys the counsel, but thinks it to be a commandment, and necessary to be done in all times and persons, enters into an error at the gate of zeal, and at the same place lets out the excellency of his love. Christ hath recommended renunciation of the world, spiritual castration for the kingdom of God, dying for our enemies, &c. He that in zeal, with charity and prudence, follows these advices, will find his reward swell high; but he whose zealous desire to grow towards perfection, shall so determine his practice, as that, by degrees, he shall think these counsels individually necessary, hath abused his conscience, laid a snare for others, put fetters upon Christian liberty, and is passed into that state of doing it, that though he entered

first by love, he is gone beyond it, and changed it into fear, and scruple, and superstition: he is at last got so far that he would not do it at all, if he durst do otherwise; and he dares not, because his love was zealous, and his zeal was imprudent, and his imprudence was a furious snare, and the passion of a mighty folly.

But an erroneous conscience is generally abused by two manners of proceeding. 1. By a true application of a false proposition, thus:

Whatsoever is done against my conscience is a sin:

But to allow of magistrates is against my conscience:

Therefore, it is certainly a sin that they be allowed.

The first proposition is not true, unless it be understood of him only, against whose conscience it is done, and then it is always true, either absolutely, or relatively, originally, or accidentally. But if it be intended to conclude, that because it is against my conscience to allow them, therefore it is simply unlawful, or unlawful to every one else, this is a paralogism, and makes an erring conscience. Or, secondly, the conscience is abused, and made erroneous by a false application of a true proposition.

Whatsoever is forbidden by God is a sin:

But every oath is forbidden by God:

Therefore, every oath is a sin.

Every thing here is true but the conclusion. The second proposition is true, but not universally. For St. James saying[a], "Swear not at all," forbids all kinds of oaths materially: that is, in that sense in which any is forbidden, in the same all are forbidden. Without just authority and occasion, it is not lawful to swear by God; therefore, without such authority, neither is it lawful to swear by a creature. So that his words mean thus; except in such a case, "swear not at all,"—that is, not with any kind of oath; for unless that case occurs to warrant it, this or that oath is criminal as well as any: that is, it is no excuse in common talk to say, 'it was but a slight oath;' for you must not swear at all.

The Causes of Error are,

1. Ignorance, either of right or fact. For no other divi-

[a] James, v.

sion of ignorance can concern the relation of an erring conscience. For, although a man is otherwise concerned in ignorance, if it be vincible, otherwise if it be invincible, yet his will is concerned in that directly, and his conscience but collaterally and indirectly.

2. Fear, whether it be pusillanimous or superstitious, that is, whether it begin upon religion, or upon natural imbecility, they alike abuse the conscience. Ignorance makes it erroneous, but takes not away its confidence, but oftentimes increases it: fear makes it erroneous too; and though it begins in doubting, it ends in a silly choice, which grows to as much confidence as it can, so much as to establish the error.

3. To this usually is reduced a morose humility and abjection of mind, which, because it looks pitifully and simply, some men in charity think it laudable; so Antonius particularly; and it is the same that St. Gregory [b] recommends, "Bonarum quippe mentium est, ibi etiam aliquo modo culpas suas agnoscere, ubi culpa non est:" "It is the sign of a good mind to accuse themselves of a fault when there is none."—Which, if it relates to the present affairs, is dangerous and illusive. For if the question be in a case of conscience, and the conscience be determined upon its proper grounds innocently and right, there to acknowledge a fault in the conscience or determination, is to make the rule itself crooked, to introduce eternal scruples and irresolution, to disturb our own peace, and a device to snatch at a reward by thrusting it from us, and to think to please God by telling of a lie. But if the saying relates to all the whole action in all its conjugation of circumstances and appendages, then it may consist with humility and prudence both, to suspect a fault where there is none; to fear lest we have erred by excess of degrees in passion, or by remissness and slackness of action, or by obliquity of intention, or intertexture of some undecency, or weariness, or sensuality, or complacency, and fantastic deliciousness, or something secret, and we know not what: but even in this case, we may best follow St. Paul's expedient and manner of expression, "Nihil mihi conscius sum," "I am guilty of

[b] Part. 1. decret. dist. 6. c. 4.

nothing," my heart smites me not, "Yet I am not hereby justified; for God is greater than my conscience:" I may, for aught I know, have done something amiss, or my duty not well; but as I cannot accuse myself, so neither can I acquit myself, but refer myself to God's equal and merciful sentence. What goes beyond this, may abuse the conscience, not only by a secret scruple, but by an evil principle and false conclusions: and this, although it looks like modesty, and seems contrary to confidence, and therefore cannot be so well reduced to this kind of conscience, but to the doubting, or the scrupulous; yet I have chosen to place it here for the reason above mentioned. It looks in at the door with a trembling eye, but being thrust in, it becomes bold. It is like a fire-stick, which, in the hand of a child being gently moved, gives a volatile and unfixed light, but being more strongly turned about by a swift circular motion, it becomes a constant wheel of fire: or like a bashful sinner sneaking to his lust, till he be discovered, and then he is impudent and hardened. And there are very many wise men, who tremble in their determinations,—and not being able clearly to resolve, fall upon one part by chance, or interest, or passion, and then they are forced for their peace' sake to put on an accidental hardness, and a voluntary, not a natural confidence. But this confidence is commonly peevish, impatient, and proud, hating all contradiction and contradictors; because it was only an art to sleep, and to avoid the first trouble, and therefore hates every thing that brings them forth from their fantastic securities.

Other causes of an erroneous conscience here usually are assigned, but inartificially I suppose, and not of present concernment or relation. Such as are the subtraction of the Divine aids, God's leaving a man, and giving him over εἰς νοῦν ἀδόκιμον, and to believe a lie; perplexity, or irresolution, self-love, pride, prejudice, and passion; "perit enim omne judicium, cum res transierit in affectum; quia affectus obscurat intellectum, ne recte judicet," said Seneca. When affection sits judge, there reason and truth are seldom admitted to plead; or if they are, yet they cannot prevail.

Impedit ira animum, ne possit cernere verum.

But these are no otherwise causes of an erroneous conscience,

but as they are causes of ignorance, or deception; for in this case I reckon them to be but one; an error being nothing else but an ignorance of truth, which whether it be culpable or inculpable, and at what gate it enters, is of another disquisition, and shall be reserved to its proper place.

RULE II.

An erroneous Conscience binds us to Obedience, but not so as a right Conscience does.

The object can move the will no otherwise, than as it is propounded by the understanding. If it be propounded as evil, the will that chooses it under that formality, is criminal and malicious. If it be propounded as good, the will that rejects it so propounded, despises good; for it is so to the will, if it be so to the understanding, which is the judge and the immediate rule of all human actions. And he that does a good thing while he believes it to be evil, does choose the evil, and refuse the good; for he does therefore, because he believes it evil, or though he thinks it so, and therefore, is equally disposed to choose a real evil; for that this is not so, is but extrinsical and accidental to his choice.

If this were not thus, but that it were possible to be otherwise, then we might suppose that a man might do a thing reasonably, for which he hath no reason; and an humane action without the natural process of humanity, that is, to choose by chance, and unnaturally, to choose for a reason that he hath not, and a good that appears not, which is like beholding of a thing that he sees not. The Jew thinks it is his duty to be circumcised, and to keep the Sabbath. While in this error he is confident, by what argument can he be moved to omit it? If you give him reasons, you seek to cure his error, and to alter his persuasion; but while this persuasion is not altered, how can he be moved to omit it? If you give him no reasons, you desire him to omit it, because he thinks he ought not, and to do an action because it seems unreasonable, and follow your opinion because he believes it false; that is, to obey you be-

cause he ought not; which is a way not possible to prevail with a wise man, or with a fool; how it may work with any sort of madness, I know not.

But against this rule, some contend earnestly, in particular Gulielmus Parisiensis, and some that follow him, saying 'it is impossible that an erring or a lying conscience should oblige a man to follow it.' The thing hath great influence upon our whole life, and therefore is worth a strict survey.

Quest. Whether a false and abused conscience can oblige us to pursue the error?

That it cannot, these reasons are or may be pretended.

1. Because it seems to be absurd to say, that when the error itself is not a sin at all, or but a little one, that it can be a great sin to follow a man's own humour against that error; if a man should do according to his error, it could at most be but a small sin, and therefore, to go against it cannot be greater. For the error can oblige no higher than its own nature, as rivers cannot rise above their fountains.

2. But it is a more material consideration; if an erring conscience obliges us to follow it, then some men are bound to persecute the church, and the high priests sinned not in crucifying Christ; and the zealots of the Jews did well in afflicting the apostles and disciples of Jesus, because they did it ignorantly, and by the dictate of an erring conscience; and St. Paul says of himself before his conversion, "I myself thought I ought to do many things against the name of the Lord Jesus;" and yet he sinned in following his erring conscience; and, therefore, certainly could not be bound to it. In pursuance of which,

3. St. Bernard[a] argues thus; to follow truth is always good; but if by the conscience we can be bound to follow error, and that in that case it is not good to follow truth; that is, if a good may become evil by the sentence of an erring conscience, and so great an evil as it supposes it to be,—then by the same reason that which is evil, may, by the like sentence, become good, and so great a good as it is supposed; and then may a man be chaste for committing adultery, and charitable for committing murder, and religious

[a] Li. de præcept. et dispens.

for worshipping idols, and pious to his parents in denying to relieve them from the 'Corban;' all which consequents being intolerable, the antecedent which infers them, must needs be false.

4. It is true indeed, the conscience is our guide and our lawgiver, our judge and our rule; but it is not our Lord, nor in the present case is it an authentic record, but a ψευδεπίγραφον, a heap of lies and errors; and therefore cannot be a true guide, and we are not tied to follow any leader to hell. Better it is in this case to follow the conscience of a wiser and a better man than myself, it being more reasonable that we be tied to follow his right, than our own wrong conscience.

5. For if still we were bound to follow our abused conscience, then we were bound to impossibilities: for then either we were not at all bound to follow God, or if we were, and yet bound to follow our conscience against God, we were bound at the same time to do, and not to do the same thing; "To serve two masters;" which, our blessed Saviour said, "No man can do."

6. But, therefore, in this case God must be obeyed and not man; it being impious to say that the law of our conscience should derogate from, or wholly evacuate, the law of God, by which alone we ought to be governed. For if this law of conscience takes away the obligation of the Divine law, or if the Divine law takes away the obligation of conscience when it errs, then they must cease respectively; and the event will be this, that as long as God's law binds us (which is for ever), the law of an erring conscience cannot bind us.

7. And there are in this, great proportions of reason. For if the will be bound to lay down all its rods and axes, all the ensigns of empire at the foot of the throne of God, doing or refusing by the command of God against its own inclination, it will not be imagined that the conscience, that is, the practical understanding, hath any such privilege indulged to it, that it can be exempt from the jurisdiction of God, or that it can oblige in defiance of his laws.

8. For it is certain, conscience is God's creature, bound to its Lord and Maker by all the rights of duty and perfect subordination, and therefore cannot prejudice the right and power of its Lord; and no wise man obeys the orders of a

magistrate against the express law of his king; or the orders of a captain against the command of his general; and, therefore, neither of conscience which is God's messenger, against the purpose of the message with which God intrusted it. However, it is better to obey God than man; to follow the law of God than to go against it; to do that which we should, rather than that which we should not.

9. And there can be no more necessity upon us to follow our conscience teaching us, than our conscience binding us; and yet if a contract that is vicious be made, or an oath that is unlawful be uttered, the obligations of conscience cease, because they are against the law of God; and how then can conscience against this law of God in any sense pass an obligation? But this rather, that as we are bound not to commit a crime, so not to follow an error and a lie.

10. For it is impossible that our opinion, or falsely persuaded conscience, should make any alteration in the thing; if it was evil in itself, it is so still; and my thinking that mercury is not poison, nor hellebore purgative, cannot make an antidote and deletory against them, if I have upon that confidence taken them into my stomach; and the sun is bigger than the earth, though I foolishly think it no wider than a bushel. And, therefore, in such cases, the conscience can have no power, and can bind us to nothing but to lay our error down. Because as to him that is in error, it were madness to bid him err more; so to him that hath an erring conscience, it were equally evil to bid him pursue, and actuate and consummate his error; which yet he were bound to do, if an erring conscience could bind him.

11. Lastly, if an erring conscience binds us to obedience, it either binds us by its own independent, ingenite power, or by a power derived from God. If by a power derived from God, then God commands us to believe a lie, to commit a sin, to run after false fires and illusions,—which to affirm, seems to be blasphemy; but if it binds us by its own power, then our conscience can make God's law to become unlawful to us, and we shall be stronger than God, and a man's self becomes his own rule; and he that is deceived by a false opinion, is a lawgiver to himself, and error shall be the measure of good and evil.

These are the arguments which are used by several persons respectively in verification of the opinion of Parisiensis, which I have not only heaped here together, but added some and improved the rest, that by the collision of these with their answers, the truth might be made more useful and evident; and divers collateral things incident to the main question might be spoken of; and those arguments remain valid which I brought for the affirmative in the first and second paragraphs of this rule. To the first therefore I answer:

1. That it is not the error that binds us to follow it, but the conscience in error; and, therefore, although the error can have no force greater than its own nature and proper energy, yet our conscience can bind beyond the force of error. As if a general commands a soldier to turn to the right hand under pain of death; if he mistaking turn to the left, the event is greater than can be effected by the intentional relations of right or left hand, but depends upon the reason, and the command, the power and empire of the general.

2. To the second, I answer, that it follows not, because the erring conscience binds, therefore the obedience is not a sin. For such is or may be the infelicity of an abused conscience, that if it goes forward, it enters into folly; if it resists, it enters into madness; if it flies, it dashes its head against a wall, or falls from a rock; if it flies not, it is torn in pieces by a bear; and the very instances make it clear; the rulers of the Jews and St. Paul were both called to repent of that, which they did in obedience to their erring conscience,—which cannot legitimate impiety, but only make the one or the other instance to be unavoidable.

3. To that which St. Bernard objects, the answer is easy upon another account; for conscience may make a good thing evil to it; because, besides the goodness of the object to make an action lawful, there is required the faith and persuasion of the agent; and if this be wanting, as it is in an erring conscience that believes not the goodness of it, the action is evil, by reason of the destitution of an integral part. For, "Bonum ex integra causa, malum ex qualibet particulari;" and by the same reason, conscience cannot make an evil thing good, because, besides the persuasion of conscience, there is re-

quired the goodness of the object, which if it be wanting, one ingredient cannot make it good: all must enter into the constitution of good, though the want of one is enough to spoil it.

4. To the fourth I answer, that because the conscience is in error, and the principle within it is a ψευδεπίγραφον, 'a false record,' therefore it is true, that we are not absolutely tied to follow its conduct, but we are tied to lay the error aside, that we may follow it in straight ways; but in the present constitution of affairs it is miserable, and because we must follow our leader, that is, all that can go before us; we do go to hell, or to mischief, not that we are by God bound to do this, but only to do that; and it is by our own fault that we are bound to fall into an evil portion. God binds us to follow our conscience; we spoil it by some folly or other, and then we follow it: the evil appendage is our own, the law by which God bound us, was holy. Nature requires of us to drink at our meals: but if we have corrupted all our beverage, we must drink unwholesome draughts, but yet nature did not bind us to this misfortune.

5. And, therefore, the answer to the next objection provides us of a remedy against the former. We are bound absolutely to follow the law of God; but we are bound to follow the contrary law of conscience erring, conditionally and by accident, that is, because we have made our rule crooked, which God had made straight. For to be absolutely and irrespectively bound to follow God, and yet respectively and by accident to be bound to follow the contrary conscience, are not incompossibilities, or the parts of a contradiction, because they are not 'ad idem,' not 'in the same regards.' But then, since it is impossible that both these should be actually followed, therefore God does not command us to follow our conscience and not to follow it at the same time, but to follow our conscience, and to lay aside the error, and then both parts are reconciled; for God and the conscience are but accidentally opposed; and God commanding us to follow our conscience, took care that at the same time we should follow God too; and therefore God taught our conscience, but when we get other teachers, we make it impossible to obey God. Let us submit our conscience to God, that is, lay aside our error, and then God and conscience are

not two masters, but one, that is, God; and conscience is his deputy and subordinate. And in order to this, it is not ill-advised in the fourth objection, to follow the right conscience of a wiser man; to do so, is a good expedient for the laying down our error; but it is not directly obligatory, so long as the error is confident; for I must not follow a wiser man in his right, if I believe him to be in the wrong; and if I believe him to be in the right, and he really be so, then I have laid aside my error, and, indeed, to do this is our duty; but this cannot be done till the error be discovered: till then I must follow my own conscience, not the conscience of another man.

6. To the sixth, I answer, that the law of conscience cannot derogate from the law of God, when they are placed in the eye of reason over-against each other; that is, when the conscience sees the law of God, no law, no persuasion, no humour, no opinion, can derogate from it. But an erring confident conscience believes that it follows God when it does not, so that the law of God hath here a double effect. The law of God, apprehended by the conscience, binds him to action; but the law of God, real and proper, binds the man to lay aside his error. For he that goes against the matter and the instance of the law of God, does yet at the same time obey the sanction and authority, because he proceeds to action in obedience to, and in reverence of the law of God. The wife of Amphitryon was kind to her lord, when she entertained Jupiter in his semblance; and, for Sosia's sake, Mercury was made much of: and because the error is dressed like truth, for truth's sake we hug and entertain the error. So here. The law of God is not despised, much less evacuated by following the dictate of conscience, because it is for the sake of God's law that this conscience is followed; and therefore, since by accident they are made opposite, the event of it cannot be that one must cease,—for both may and must stand, but nothing must cease but the error.

7. And therefore, although the will must cease from its own pleasure, when God's will is known to be clear against it, yet the understanding must not cease from that which it supposes to be the will of God till the error be discovered; but when it is, then it must as much cease from its own ways

as the will must; for every understanding, as well as every proud will, must be submitted to the obedience of Jesus.

8. For conscience being God's creature, and his subordinate, cannot possibly prejudice the rights of God; for as soon as God's right appears, and his laws are read, conscience doth and must obey; but this hinders not but that conscience must be heard when she pretends the law of God for her warrant, so long as it is not known but that she says true.

9. For it is in this as it is in all contracts and oaths,—so long as they seem lawful they must be observed, and must not be rescinded until it be discovered that they are against the law of God; and so it is with the dictates of an erring conscience.

10. And the reason is plain, because conscience does not make a real change in extreme objects (as I have formerly discoursed[b]); the things are good or bad by their proportions to God's law, and remain so, whatever the conscience thinks: but yet they put on vizors and shapes, and introduce accidental obligations by error. Indeed, the error brings in no direct obligation but that it be discovered and laid down: but so neither can it hinder but that conscience shall still retain the power that God hath given it, directly and principally; that is, that it be the man's rule and guide; for the fallacy that runs through all the objections, is this,—that the erring conscience is in its obligation considered as erring. Now it does not bind, as erring, but as conscience; that is, not by its error, but by its nature, and the power of God, as being the reporter and record of his commands. Against which, he that bids our conscience to proceed, indeed gives ill counsel. He that counsels a man to follow his erring conscience, invites him to folly; he tells him he is in error, and bids him not lay it down. But he that advises him to follow his conscience, though it happens in the truth of things that his conscience be in error, meddles not at all in the countenancing the error, but in the power of conscience.

11. For all the obligation which our conscience passes on us, is derivative from God, and God commands us to follow

[b] Cha. 2. Rule 9.

our conscience, but yet he commands us not to sin; because his commanding us to follow our conscience supposes our conscience instructed by the Word of God and right reason, and God had appointed sufficient means it should be: but that conscience offers a sin to the obedience, is wholly the man's fault, and besides the intention of God. God hath not made us to sin, but hath committed us to the conduct of conscience, which, by prevaricating its instructions, hath betrayed us.

By this it appears what manner of obligation is passed upon us by an erring conscience; the conscience always hath the same commission as being the same faculty, the same guide: but because itself is bound to the laws of God and right reason, so far as it follows them, so far it binds. But because when it is in error, it also pretends them, by them it still binds, till the illusion be discovered. Durandus expressed this by a distinction of words, in which himself only made the difference. "Ligat, sed non obligat:" so he. That is, it hath not the same power that is in a right conscience. But it binds us so, that we cannot proceed to good. A right conscience directly and finally binds us to the action itself: an erring conscience cannot do that, because the action it offers is criminal, but it makes us take that instead of what it ought to bind us to; that is, it hath the same authority, but an evil exercise of it; the formal obligation is the same, but when it comes to be instanced, it binds us to that in which it hath no power. For though it hath power over us, yet it hath no direct power in that particular matter.

Cordubensis and Vasquez contradict this expression of Durandus, affirming that an erring conscience does "ligare et obligare;" I cannot well translate the words into a distinction, but their meaning is this, that 'we are not bound positively to follow the error, but yet so that we must not do the contrary.' Which, indeed, is the same thing; and they going to reprove Durandus' distinction, that hath no difference, they do it by a contradiction that hath in it no opposition. For to say that an erring conscience does so bind us that we must not contradict it, is to say that it positively binds us to follow it. For if it commands us to follow it, and we must not go against that command, is it not notorious and evident that we must positively follow it? But for the establishing

the measures of obedience in the present case, these following rules are the best proportions.

The Measures of Obedience due to an erring Conscience.

1. If an erring conscience commands a thing that is of itself indifferent, we are bound to follow it, and we may do it without sin. Because, if it be indifferent, it is therefore lawful, and it cannot cease in itself to be lawful, by being supposed to be necessary. Indeed, if a governor commands us to do a thing indifferent, and says it is necessary, we may not do it under that compliance; that is, we may not betray our Christian liberty, and accept that as simply necessary which Christ hath left under liberty. We must do the thing, but not own the necessity. But if an erring conscience bid us do an indifferent, and represent it as a necessary action, though it may be a sin to believe it necessary, yet it is no sin to do the action; for nothing that supervenes, can alter the nature of the thing, and a new personal necessity introduced by an erring conscience, by making it seem necessary to him, changes it not from being lawful in itself. But then it infers this also, that as it may be done without sin, so without a sin it cannot be left undone: because the error hath made it personally necessary, and the truth of God hath made it lawful really.

2. If an erring conscience dictate a thing to be good which is not good,—not to follow that dictate, and not to do that thing, is no sin; because every good is not necessary, and it may be good, or seem so; and yet to omit it in certain circumstances, may be equally good or better.

3. If an erring conscience affirm that which is good, or which is indifferent, to be evil and vicious; as if it says, it is a sin to spit upon the pavement of a church, or that it is superstition to serve the poor in an hospital, it is no sin to omit that indifferent or that commendable action; because here is no command of God to countermand the resolution of conscience, and therefore the error may become a snare and a hinderance, but no direct cause of sin; because such actions in themselves not being necessary, it cannot be criminal upon a less reason to omit them. But upon the same account it is a sin to do them, because they are not of faith, and the con-

science being persuaded against them, they are sins. For any deficiency of a necessary ingredient makes a sin.

4. If an erring conscience say that 'such an action is lawful only, when of itself it is good and laudable,' we sin not if we do it, or if we do it not. For in this case, neither is there any direct obligation from God, nor any indirect obligation from conscience, and therefore the man is wholly permitted to his liberty: although it may be a pious action to pray kneeling on the ground with bare knees, or prostrate on our faces, yet if conscience says it is in no sense laudable, but that it is lawful only, we may safely do it; but then there is no other effect of such an action, than there is of scratching a man's head with one finger: and it cannot be commendable in him to do an action, in which he believes there is no worthiness.

5. If an erring conscience commands what is simply evil, or forbids to do that which is absolutely commanded, the man sins, whether he obeys or obeys not. In one case he sins against his rule, and in the other against his guide, and any one miscarriage is enough to introduce a sin. But this will be the matter of the next rule. The use of these rules is not at all effective upon erring consciences, while the error remains: for the advices supposing the error are not applicable to them, who will not suppose themselves in error. But they are applicable to consciences recovered from their error, and are useful in the conduct of their repentance, because they describe the respective measure of sin and innocence, and what obligations of sorrow and amends are left behind when the error is gone.

To these may be added those rules which I have already given[c], concerning the changes which can be made in moral actions, by the persuasion and force of conscience.

[c] Ch. 2. Rule 9.

RULE III.

A Conscience erring vincibly or culpably is an unavoidable Cause of Sin, whether it be resisted or complied with.

When the error proceeds of malice or negligence, the man is guilty according to the venom of the ingredient; there is a sin in the principle, and this leads to an action materially evil. He that makes assemblies against his prelate, and thinks he may lawfully do it, does an action for which, by the laws, he is punishable; but to God he is to answer besides the action, for the sin that led him to that error.

Quest. But if it be inquired, whether that also be a sin which is an obedience to his conscience, that is, whether the instance of the action be a sin, beside the malice of the principle, and so every such action become a double sin,—I answer, that it is according as the instance is.

1. If it be against a prime principle, in which we are naturally, or any way greatly instructed, then the error is culpable in that manner that it remains voluntary all the way; and then not only the introduction or first principle, but the effect also is a sin. The man hath only put a blind before his eyes, and in every reflex action it is discovered, and he knows it habitually all the way. And therefore, in this case, the conscience ought not to be obeyed[a]. For the conscience is but imperfect and equivocal, violent and artificial. It is persuaded in the act, and convinced of the evil in the habit or reflex act, and is no otherwise deceived than a man is blind that wears a hood upon his eye.

2. If the conscience be possessed with a damnable error, and in a great matter, and this possession is a dereliction and a punishment from God for other crimes,—it is no matter whether we call the consequent action a sin or no; for the man is in a state of reprobation, and the whole order of things and actions in that state are criminal, formally or equivalently. His prayers are abomination; and if so, then the actions that are materially evil, are much worse, and in estimation are prosecutions of the state of sin. Of this sort are they that are

[a] Castropal. tom. 1. dis. 1. punct. 6. n. 3.

given over to believe a lie; all the consequent actions are sins, just as the envies and blasphemies of damned people are sins, or as the acts of devils are imputed: they are consigned to death, and all the consequent actions are symbolical; and it will be always so, unless they can return to a state of repentance.

3. If the conscience be abused in a deduction, consequence, or less certain proposition, by evil arts and prejudice, by interest and partiality, there is so much evil in the whole determination, as there was in the introducing cause of the error, and no more. For if the action consequent to the persuasion were also a sin, then it ought not to be done; but because in this case the conscience ought to be obeyed, though in the whole affair there is a sin, and it is unavoidable,—yet the sin is antecedent to the action and determination, but no proper appendage or qualification of it. And since the object in the present case transmits honesty and equity into the action, not according to what it is in the thing, but according to what it is in reason, it must needs be that we are obliged according to what we find it to be in conscience. For in this case we know not what it is in itself, and therefore by it we cannot be guided to choose or to refuse; but, because we must be guided by something, it must be wholly by opinion and conscience.

4. If the conscience be weakly and innocently misguided, there is no sin either in the error, or in the consequent action. Because no man is bound to do better than his best; and if he hath no sin in the principle of his error, it is certain he did his best, that is, he did all his duty; and then to proceed by the best light he hath, is agreeable to right reason and to religion.

Upon the ground of these conclusions we may easily infer, that though an erring conscience is to be followed (as it is above explained), and yet that God also is entirely to be followed, and that therefore a man, by accident and by his own fault, may be entangled "in nervis testiculorum leviathan" (as St. Gregory's expression is, out of Job), in the infoldings of sin and Satan, and cannot escape innocently so long as he remains in that condition; yet, because he need not remain in that condition, but either by suspecting himself, or being admonished by another, by inquiry and by prayer he may lay

his error down,—it follows, that to obey God never hath an unavoidable dilemma, and never is impossible, so long as the man is in a state and possibility of repentance. Because every error that infers an action, that is formally as well as materially sinful, not only ought, but may also be deposed or laid down; because, in such cases, no man is invincibly abused. No man can ever be in that condition, that to love God shall become a sin to him; because no man can really be ignorant, or properly entertain this opinion, that it is a sin to love God; that rebellion is lawful; that adultery is no sin; that it can be lawful to strike a prince for justice, or to break a commandment to preserve the interest of a sect; that a man may rob God in zeal against idolatry and images. These things are so plainly taught, that an error in these cannot choose but be malicious.

But when the error is in such cases where either it is invincible and irremediable, or where weakness pleads excuse, the action is in that degree innocent in which the error is unavoidable; and if it could be otherwise, then a case might happen, in which, by the laws of God, a man could be bound to that which is intrinsically evil,—and then God, and not man, were the author of the sin.

The sum is this. God is supreme, and conscience is his vicegerent and subordinate. Now it is certain, that the law of an inferior cannot bind against the command of a superior when it is known. But when the superior communicates the notices of his will by that inferior, and no otherwise, the subject is to obey that inferior, and in so doing he obeys both. But the vicegerent is to answer for the misinformation, and the conscience for its error, according to the degree of its being culpable.

RULE IV.

It is a greater Sin to do a good Action against our Conscience, than to do an evil Action in obedience to it.

This rule concerns degrees only, but is useful in the conducting some actions of repentance: and it is to be under-

stood to be true only in equal cases, and when there is no circumstance aggravating one part. Friar Clement, the Jacobin, thinks erroneously, that it is lawful to kill his king; the poor demoiselle Faucette thinks it unlawful to spit in the church: but it happened that, one day, she did it against her conscience; and the friar, with his conscience and a long knife, killed the king. If the question be here, who sinned most? the disparity is next to infinite; and the poor woman was to be chidden for doing against her conscience, and the other to be hanged for doing according to his. Because the friar's error could not be invincible and inculpable, her's might; and in such questions, the effect of which is of so high concernment, because the errors in them are supreme and dangerous, the inquisition ought to be very great where there can be difficulty, and therefore the negligence is always intolerable, and it is malicious where the discovery is easy, as it is in these cases. And therefore, in so different materials, the case can no way be equal; because in one there is a greater light, a more ready grace, a perfect instruction, an evident provision, an open restraint, and a ready commandment.

But when the effect of the questions is equal, and not differenced by accidents, the rule is certain upon this reason; because a sin done against knowledge is greater than a sin done ignorantly. He that sins against his conscience, sins against all his knowledge in that particular; but if he sins against a commandment which he knows not to be such, he sins ignorantly, and therefore the more excusably. "But I found mercy," saith St. Paul, "for I did it ignorantly, in unbelief."

Upon this account, it comes to be the same kind, and the same degree of crime, to sin against an erring, and to sin against a right conscience in the same instances. He that omits to hear divine service on a festival, when he hath no reasonable impediment, and he who omits it upon a common day, which he erroneously supposes to be a festival, hath equally prevaricated the law of the church, and the analogy of the commandment of God on which this of the church is founded, they being equally against his rule by which he is to walk: and this error hath no influence upon the will or choice, but is wholly extrinsical to it. But this is to be

understood in errors of fact, and such as are inculpable, and have no effect, and make no change in the will.

And, therefore, in our penitential sorrows and expiations, we need not be curious to make a difference of them which have the same formal malice; and if we be taught to make any, it may have this evil consequence in it, that we may love our ignorance, and flatter ourselves in our irregularities, which we think will not be so severely imputed, by reason of the error. If this be a great crime to disobey our conscience, teaching us righteous and true propositions, it is on the other side also very great to suffer our conscience to be so misled, that a good action shall become criminal by such mistaking; so that, besides the departing from our rule, which is equal in both, they have their own superadded evil to weigh against each other.

RULE V.

It is not lawful to delight in an evil Action (after the Discovery of our Error), which we did innocently in an erroneous Conscience.

The case is this:—Quintus Hortensius[a] received a forged will of Minucius from some hæredipetæ or testamentary cheaters; and, because they offered to verify it, and to give him a share, he defended the forgery, and possessed his part; but when he afterwards perceived the cheat, and yet detained the purchase, he grew infamous: it was innocent till he knew it, but then it was criminal. He should not have pleased himself in it, because he should have restored it. But in this there is no question.

But when the possession or purchase may lawfully remain, there is some difference in the decision of the question. Spurinna, striking a stag, involuntarily and unwittingly kills his brother, and becomes rich by the inheritance. Here the man must separate the effect from its relation, and so proceed: the inheritance was a blessing, the accident was a misfortune; and if he may not rejoice in that, he may not give thanks for it, but as for a cross. But if he pleases himself in the way of his entrance to it, he had a mind ready to have killed

[a] Cicer. Off. iii. 17, 5. Heusinger, page 704.

his brother if he durst, or at least did secretly wish him dead, that he might openly have his living. In this there is no great difficulty to make the separation. God strikes a man with blindness, and gives him a good memory; he sighs for that, and rejoices for this. A little metaphysics makes this abstraction.

2. But concerning the act, when it is discovered to have been evil, he is to have no other complacency, but because he did it ignorantly. He that suffers nocturnal pollution, if he finds a remedy by it, is to rejoice that himself suffered it involuntarily, that is, he may rejoice that he did not sin; and of the innocence of the joy he can have no other testimony but by his hating the act in all cases in which it is a sin, and refusing to do it. But the French woman, whom my Lord Montaigne speaks of, who having suffered a rape by divers soldiers, gave God thanks, that, without sin, she had enjoyed pleasure, had a criminal joy, and delighted in the action, for the voluntary entertainment of which she only wanted an excuse.

3. If we consider the whole conjunction of things together, the evil act with the advantageous effect, we are to be indifferent to joy and sorrow, that is, to do neither directly, but to look on it as an effect of the Divine providence bringing good out of evil, and to fear lest a joy in the whole should entitle us too nearly to the sin by the relation of an after-act and approbation; or lest we be so greedy of the effect, that we be too ready to entertain the like upon terms equally evil, but less fortunate.

4. This is also to be understood only in such cases in which we are not obliged to restitution; for if we rejoice in that effect which we ought to destroy, we recall the sin from the transient action, and make it dwell with the possession, and then the first involuntary error becomes a chosen rapine.

5. If the action was only materially, and therefore innocently, an error against a human law, and turns to our secular advantage, we are more at liberty to rejoice and please ourselves in the advantage; because human laws make no action intrinsically and essentially evil, but only relatively and extrinsically. And therefore the danger is not so great of polluting the conscience by the contract and

mingling of the affections with the forbidden action. He that eats flesh in Lent in those places and circumstances where it is forbidden, and did not remember it was Lent, or did not know it, and by so doing refreshes himself well, and does advantage to his health,—may not be accused easily, if he delights in the whole action, as it joins the error and the advantage. For, besides the former reason, this also is considerable; that human laws, not being so wise and excellent as Divine laws, do bend more easily and readily, that they may comply with the ends of charity and gentleness, and have in them a more apt dispensation, and almost offer themselves to go away, when a greater good comes in their room. But of this in its due place.

6. In actions materially evil against the Divine laws, if the event cannot be clearly separated from the irregularity, the first innocent error is, by the after-pleasure, turned into a direct sin. Cneius Carbo lay with Lælia unwittingly, supposing her to be his wife Posthumia; but afterwards, having discovered the error, was pleased in the mistake, because he, by the arts of fancy, did, by an after-thought, represent to himself the change and the variety, and then he was adulterous. For to be pleased in the mistake which brings no advantage separable from the sin, is directly to choose the sin for the advantage' sake; and this was Carbo's case.

RULE VI.

An innocent, or invincibly erring Conscience, is to be obeyed even against the known Commandment of our Superiors.

Against this St. Bernard[a] seems to argue earnestly: "Si tantopere vitanda sunt scandala parvulorum, quanto amplius prælatorum, quos sibi Deus cœquare quodammodo in utroque dignatur, dum sibimet imputat et illorum reverentiam et contemptum?" &c. "If with so great caution we must be careful, that we do not offend any of God's little ones, how much more must we be curious to avoid giving offence to great ones, to our superiors, whom God seems, in some manner, to

[a] Lib. de præcept. et dispens.

make equal to himself, while the reverence, or the contempt that is done to them, he takes unto himself; saying, 'He that heareth you, heareth me, and he that despiseth you, despiseth me.' But if you say, that men may be deceived in their inquest after the will of God, and may deceive others in reporting it; what is that to thee, who knowest not that they are deceived? especially since from Scriptures thou art taught, 'That the lips of the priest shall preserve knowledge, and they shall require the law at his mouth, because he is the angel of the Lord of Hosts.'" To which discourse of St. Bernard, the following considerations may add some moment; and the discussing them, may give light to the inquiry.

2. For in things indifferent the command of the superior must needs be accounted the will of God; for although our superiors are executioners of the Divine laws, yet because they have also a legislative power, they who can alter nothing in things commanded or forbidden by God, must have a power to command or to forbid respectively in things indifferent, or not at all: and, therefore, in such things our conscience is bound to obey.

3. And if conscience be pretended against it, it is an error, and ought to be laid down; for to follow this erring conscience, engages us in sin all the way.

4. But as he that submits his understanding to the obedience of Jesus, pleases God most, even when he does it in defiance of all arguments and temptations to the contrary, which though he cannot answer, yet he resolves to follow Christ; so he does best, who, though his conscience pretend reasons against it, will yet lay aside those reasons, that he may submit to his superiors.

5. For it is a great crime by rebelling against, or slighting, the command of our rulers, to give offence to whole societies of men; and there can be no greater contempt done to them, than by undervaluing their judgment to prefer our own; and therefore the prophet pronounces woe to them, who "are wise in their own eyes."

6. But let a subject be ever so wise, he ought not to judge his superior, or to condemn his sentence; and therefore he must be judged by it, and not by his own erring conscience.

7. For as he, who hath made a vow of obedience, hath divested himself of all pretences of contradicting what shall be imposed; and if his conscience shall check him in the instance, he ought to look upon it as a temptation, and use it accordingly: so must it be also in every subject, who by the laws of God is as much tied to obey his superior, as he can be by any law which he puts upon himself. The effect of these suggestions is this, that in things where the law of God hath not declared positively, an erring conscience is not to be attended to; but the law of the superior, and his sentence, must be the guide of his conscience.

To this discourse I answer in short, that it is all very true; that the lawful superiors are God's vicegerents, appointed over us in things pertaining to God, so as to be executioners of the Divine laws; and besides this, to make laws in things indifferent and pertaining to men; that all contempt done to them is done to God; that it is scandalous to refuse obedience to them; that he is a proud man who says he is wiser than his superiors; and he is intolerable that prefers his private folly before the public wisdom; and therefore it is well inferred, that the error of an abused conscience ought to be laid down; and though he cannot in particular answer the arguments which trouble him, yet, if he have reason to believe that though the arguments be too hard for him, the superior's command is innocent; it were well if he would lay aside those arguments and adhere to authority. Yet all this touches not the secret of the question; for,

He that compares the law of conscience with the law of the superior, compares the law of God and the law of man; and the question is not, whether a man should follow his superior or follow himself? but, whether God or man be to be obeyed, whether the superior or the supreme be to be attended to? The reason of this is, because the conscience stands bound by the supposed law of God, which being superior to all the law of man, must rather be obeyed; and therefore, although the arguments conclude rightly that an erring conscience, disobeying his superior's lawful command, does sin greatly; yet they cannot conclude, that he avoids sin by obeying against his conscience; for his condition is indeed perplexed, and he can no way avoid sin, but by laying his error aside

first, and then obeying. And since he sins, whether he obeys his superior's just command or the unjust command of his conscience, the inquiry is, in this sad conjunction of things, by what hand he must be smitten, on which side he must fall, that he may fall the easier? To this the rule answers, that his erring conscience must be obeyed rather, because he is persuaded that God speaks there, and is not persuaded that God speaks by his superior. Now, though in this he be deceived, yet he, that will not go there, where he thinks God is, and leave that where he thinks God is not,—does uncertainly go towards God, but does certainly forsake him, as much as lies in him. For,

It is to the conscience all one as if the law of God were really upon it, if it be thought it is. "Idem est esse et apparere" in this case; and therefore the erring conscience is to be attended to, because the will and the affections are for God, though the judgment hath mistaken a glow-worm for the sun. But this is to be understood only when the conscience errs innocently and unavoidably, which it can never do in the precepts of nature, and brightest revelation.

But if the conscience does err vincibly, that is, with an actual fault, and an imperfect, artificial resolution, such a one, as a good man will not, and a wise man need not have, this present persuasion excuses him not from a double sin, for breaking a double duty; for he is bound to correct his error, and to perform the precepts of his superior; and if he does not, his sin is more than that which was in the vicious cause of his mispersuasion, as I showed in the explication of the former rules.

But according as the ignorance and error approaches towards pity, lessening or excusing, so the sin also declines. He that thinks it is not lawful at all to take up arms at the command of his prince, in an unjust or a dubious cause, sins if he does what he thinks so unlawful, and he commits no sin in disobeying, that only excepted which entered into his mispersuasion, which is greater or less, or next to none at all, according as was the cause of his error, which in the whole constitution of affairs he could not well avoid. But he that is foolishly persuaded that all government is unlawful and antichristian, is bound to lay his error down; and besides the vicious cause of his error, he sins in the evil effect of it, though his imperfect,

equivocal conscience calls on him to the contrary; yet he sins if he does not obey, because in such notorious and evident propositions an error is not only malicious in the principle, but voluntary all the way; and therefore may easily, and must certainly be laid aside in every period of determination.

Whatsoever cases are between these, partake of the extremes, according to their proper reason and relation.

RULE VII.

The Error of an abused Conscience ought to be reformed, sometimes by the Command of the Will, but ordinarily by a contrary Reason.

1. If the error did begin upon a probable reason, it cannot be reformed but by a reason seeming equal to it, because a less reason hath not naturally the same efficacy with a greater; and to assent to a less probability against a greater, is to do against reason, against all that by which this lesser reason is outweighed[a]. For in this case the will can have no influence, which, not being a cognoscitive and discoursing faculty, must be determined by its own motives when it is not determined by reason, that is, by the motives of understanding. Now the motives of will, when it is not moved by right reason, are pleasure and profit, ambition and revenge, partiality and pride, chance or humour: and how these principles can disabuse a conscience is very hard to understand, how readily and certainly they do abuse it, is not hard. Whether the stars be even or odd? whether the soul be generated; or created and infused? whether it be lawful to fight or rail against a prince, what hath the will to do with it? If the will meddles, and makes the resolution, it shall be determined, not as it is best, but as it falls out by chance, or by evil, or by vain inducements. For in the will there is no argument good but reason; I mean, both in the matter of nature and of grace; that is, reason changed into a motive, and an instrument of persuasion, from whatsoever inducing principle.

[a] Vide Chap. 4.

2. Some have affirmed [b], that the error of a conscience may fairly be deposed upon any probable argument, though of less persuasion; which, if it could be admitted, would give leave for a man to choose his side as he pleases; because, in all moral things, as dressed with circumstances, it is very easy to find some degrees of probability, but very difficult to find a case against which nothing can be disputed. And therefore, if it happens that a man be better persuaded of his error than of the contrary truth, that truth cannot be chosen wisely, nor the error honestly deposed, because it is done against the way of a man, not absolutely, but comparatively against reason.

3. If the reason on both sides seems equally probable, the will may determine by any of its proper motives that are honest; any prudent interest, any fair compliance, any custom, in case these happen to be on the right side. When the arguments seem equal, the understanding or conscience cannot determine. It must either be a chance, and a special providence of God, or a particular grace, that casts us on the right side. But whatsoever it be that then determines us to the right, if of itself it be innocent, it is in that case an effect of God's grace, and an apt instrument of a right conscience.

4. When the conscience is erroneous, and the error unreasonable, commenced wholly upon interest, trifling regards, or vicious principles, the error may be deposed honestly, though there be no reason thought of to the contrary, besides the discovery of the first abuse. The will in this case is enough. "Volo servare animam meam," said one; "I will, I am resolved to save my own soul." A man may, and ought to hate the evil principle of his error, and decline it upon the stock of indignation, which in this case is a part of repentance. And this insinuates the reason of this discourse. For,

Repentance is founded principally in the will; and whatsoever a man is to leave upon the stock of repentance, he may do it wholly upon the stock of his will, informed, or inclined by general propositions, without any cognizance of the particulars

[b] Sanchez select. 99. disp. 41. num. 27. Merolla in florileg. verb. conscientiâ, nu. 14. Bardus de conscientiâ discep. 3. cap. 11.

of the present question. Eratosthenes coming among the Persian magi, and observing their looser customs of marrying their sisters and their mothers, falls in love with his half-sister Lampra, and marries her. A while after, perceiving that he entered upon this action upon no other account but lust and fancy, and compliance with the impurer magi, he began to hate his act for the evil inducement, and threw away her and his folly together. This he might do without any further reasonings about the indecency of the mixture, by perceiving that a crime or a folly stood at the entrance, and invited him to an evil lodging. He that begins without reason, hath reason enough to leave off, by perceiving he had no reason to begin: and in this case the will is the great agent, which therefore here is no ill principle, because it leaves the error upon the stock of grace and repentance [a].

5. If the will entertained the error without any reason at all, as oftentimes it does, it knows not why, she may also depose it honestly without any reason relating to the particular, upon this general, that it could not make the action to be conscientious to have it done without any inducement. But then the taking up the contrary truth upon as little reason, is innocent, because it happens to be on the right side; but it is not virtue nor conscience till it be persuaded by something, that is a fit inducement either in the general or in the particular.

RULE VIII.

The Error of a Conscience is not always to be opened to the erring Person by the Guides of Souls, or any other charitable Adviser.

If the error began with a sin, and still dwells there upon the same stock, or if it be productive of a sin, it is always to be discovered, though the greatest temporal inconvenience were certainly consequent to the discovery. Because a man must not be suffered to lie in sin, no, not a minute, if he can be

[a] Vide Chap. 4. Rule 5.

recovered or rescued from it; and no temporal advantage or disadvantage can be considerable in this case, which is the case of a soul; an error that is vincible, is all the way criminal, and must not be permitted.

2. If the error be invincible, and innocent or pitiable in the cause, and yet ends in an intolerable event, and the effect be a crime or a great danger to souls, the error must be discovered by them that can. The Novatians erred in the matter of repentance: the inducing cause of their error was an over-active zeal, and too wary a tenderness in avoiding scandal and judging concerning it. God served the ends of his glory by the occasion of that error, for he uses to bring good out of every evil; and the church, under a better article, grew as wary as the Novatians, as watchful against scandal, as severe against lapsed persons. Now, although in this case the error was from an innocent cause, yet because it landed them upon a course of discipline and persuasion that was not innocent, they were not to be permitted in their error, though the dissolution of the error might or would have occasioned the remission of discipline. For their doctrine of repentance was dishonourable to the mercies of God, an instrument of despair, a rendering the power of the keys and the ministry of the order ecclesiastical in a manner wholly useless, and would, if it were pursued to its just consequents, have hindered repenting sinners to revert to the folds of the church; and therefore, for the accidental good which God brought, or which was likely to have come from that error or the innocence of its principle, it was not to be concealed, but reproved and destroyed because it dwelt in sin. He that believes that repentance to be sufficient, which hath in it nothing but sorrow for what is past, and a present purpose without amendment really in the future, upon no pretence is to be complied withal in the palliation of his error, because the consequence of his error is such a danger, or such a state of sin, for which nothing can make amends.

3. If the error be invincible, and the consequent of the persuasion be consistent with the state of grace, the error must be opened or not opened, according to prudent considerations relating to the person and his state of affairs. So that the error must rather be suffered than a grievous scandal, or an

intolerable, or a very great inconvenience. To this purpose Comitolus says, it was determined by a congregation of learned and prudent persons in answer to a strange and a rare case happening in Venice: a gentleman ignorantly did lie with his mother; she knew it, but intended it not, till for her curiosity and in her search whether her son intended it to her maid, she was surprised and gotten with child: she perceiving her shame and sorrow hasten, sent her son to travel for many years; and he returned not till his mother's female birth was grown to be a handsome pretty maiden. At his return he espies a sweet-faced girl in the house, likes her, loves her, and intends to marry her. His mother conjured him by all that was sacred and profane that he should not, saying, 'she was a beggar's child, whom for pity's sake she rescued from the streets and beggary, and that he should not, by dishonouring his family, make her to die with sorrow.' The gentleman's affections were strong, and not to be mastered, and he married his own sister and his own daughter. But now the bitings of the mother's conscience were intolerable, and to her confessor she discovered the whole business within a year or two after this prodigious marriage, and asked whether she was bound to reveal the case to her son and daughter, who now lived in love and sweetness of society, innocently, though with secret misfortune, which they felt not. It was concluded negatively, she was not to reveal it, lest she bring an intolerable misery in the place of that which to them was no sin; or lest upon notice of the error they might be tempted, by their mutual endearment and their common children, to cohabit in despite of the case, and so change that into a known sin, which before was an unknown calamity; and by this state of the answer, they were permitted to their innocence, and the children to their inheritance, and all under the protection of a harmless, though erring and mistaken conscience.

4. If it be doubtful whether more good or hurt may be consequent to the discovery, it is better to conceal it. Because it is more tolerable to have a good omitted, than to have an evil done. That may sometimes be lawful, this can never; and a known evil that is not a sin, is rather to be admitted than an unknown, which no man can tell whether it will arrive. But in this, the prudence of a good and a wise

man is to be his only guide, and God's glory his only measure and the public good, and the greater concernments of the interested be chiefly regarded.

CHAPTER IV.

OF THE PROBABLE, OR THINKING CONSCIENCE.

RULE I.

A probable Conscience is an imperfect Assent to an uncertain Proposition, in which one Part is indeed clearly and fully chosen, but with an explicit, or implicit Notice that the contrary is also fairly eligible.

A PROBABLE conscience dwells so between the sure and the doubtful that it partakes something of both. For a sure conscience may begin upon a probable inducement, but is made sure either by an assent to the conclusion, stronger than the premises will infer, or by a reflex act, or some other collateral hardness and adventitious confidence, and therefore the probable is distinguished from that by the imperfection of the assent. But because in that respect it approaches to the doubtful, and in that is alike, it is differenced from this by the determination. For a doubtful conscience considers the probabilities on each side, and dares not choose, and cannot. But the probable does choose, though it considers that in the thing itself there can be no certainty. And from them both it is distinguished by the intervening of the will. For in the sure conscience the will works not at all, because it is wholly conducted by the understanding, and its proper motives. In the doubtful the will cannot interpose by reason of fear and an uncertain spirit; but in the probable it can intervene, not directly, but collaterally and indirectly, because the motives of the probable conscience are not always sufficient to make the conclusion without something of the will applied to extrinsical motives, which reflect also upon the understanding; and yet in this conscience there is no fear, and therefore the will can here be obeyed, which in the first needs not, in the last it

cannot. For it is remarkable, that a probable conscience though it be in speculation uncertain, yet it may be practically certain,—that is, he that believes his opinion to be probable, cannot but think that it is possible he may be in an actual error, but yet he may know that it is innocent to do that for which he hath a probable reason; for though in all these cases he may choose that which is the wrong part, yet he proceeds as safely as if he had chosen right: for it were not safe to do that which is only probable, then nothing could be done till something were demonstrated; and then in moral theology we should often stand still and suspend our act, but seldom do any thing; nay, sometimes we should neither act nor suspend, it being but probable that either is to be chosen. Yea, sometimes it happens what Aristotle said, that 'false things are made more probable than true,' as it is to all them who are innocently and invincibly abused; and in this case, if probability were not a sufficient conviction of conscience, such persons could not honestly consent to truth. For even wise men disagree in their sentences of truth and error, and after a great search, scarcely do they discover one single truth unto just measures of confidence; and, therefore, no other law could be exacted for human actions, than an opinion honestly entered into, and a probable conscience. And it is remarkable that Cicero[a] saith, that the word "arbitror" is "verbum consideratissimum;" and the old Romans were reserved and cautious in the decrees of judges, and the forms of their oath began with 'arbitror,' although they gave testimony of things whereof they were eye-witnesses; and the words which their prætors did use in their sentences, was "fecisse videtur," or "non videtur."—"He that observeth the winds, shall not sow; and he that watcheth the clouds, shall never reap[b];" which means, that if we start at every objection, and think nothing safe but what is certain, and nothing certain but what can be demonstrated, that man is over wise and over just, and by his too curious search misses what he inquires for. Λέγοιτο δ' ἂν ἱκανῶς, εἰ κατὰ τὴν ὑποκειμένην ὕλην διασαφηθείη, "That is well enough proved, that is proved according to the subject matter."—For there is not the same exactness to be looked for in all disciplines, any more than

[a] Pro Font. c. 9.—Beck, vol. ii p. 233.

[b] Eccl. xi. 4.

in all manufactures. But in those things which are honest and just, and which concern the public, τοσαύτην ἔχει διαφορὰν καὶ πλάνην, "There is so much dissension and deception," that things are good or bad not by themselves, but as they are in law; πεπαιδευμένου γάρ ἐστιν ἐπὶ τοσοῦτον τὰκριβὲς ἐπιζητεῖν καθ' ἕκαστον γένος, ἐφ' ὅσον ἡ τοῦ πράγματος φύσις ἐπιδέχεται: "He is well instructed who expects that manner of proof for things, which the nature of the things will bear," said Aristotle [e]. And in moral things, it is sufficient that a thing is judged true and certain, though by an uncertain argument; and the opinion may be practically certain, when the knowledge of it is in speculation only probable.

It hath two sorts of motives, intrinsical and extrinsical. That is reason, this is authority: and both of them have great considerations in order to practice, of which I am to give account in the following rules.

RULE II.

A Conscience that is, at first, and in its own Nature, probable, may be made certain by Accumulation of many Probabilities operating the same Persuasion.

EVERY probable argument hath in it something of persuasion and proof, and although it cannot produce evidence and entire conviction to a wise and a discerning spirit, yet it can effect all that it ought; and although, if the will list, or if passions rule, the understanding shall be made stubborn against it, and reject it easily; yet if nothing be put in bar against it, it may bring a man to adhere to it beyond the evidence. But in some cases there are a whole army of little people, heaps of probable inducements which the understanding amasses together, and from every side gathers all that can give light and motion to the article in question; it draws auxiliaries from every thing, fights with every weapon, and by all means pursues the victory; it joins line to line, and precept to precept, reason to reason, and reason to authority; the sayings of wise

[e] Ethic. lib. i. c. 3. Wilkinson, p. 5.

men with the proverbs of the people; consent of talkers, and the arguings of disputers; the nature of the thing, and the reasonableness of its expectations; the capacities and possibilities of men, and of accidents; the purposes and designs, the usefulness and rewards; and by what all agents are and ought to be moved; customs are mingled with laws, and decencies with consideration of profit; the understanding considers the present state and heap of circumstances, and by prudence weighs every thing in its own balance; it considers the consequent of the opinion it intends to establish, and well weighs the inconvenience of the contrary. But from the obscurity and insufficiency of these particulars, there cannot come a perfect light; if a little black be mingled with white, the product must have something of every influence that can be communicated from its principle, or material constitution; and ten thousand millions of uncertains cannot make one certain.

In this case, the understanding comes not to any certainty by the energy of the motives and direct arguments of probability, or by the first effort and impresses of their strength; but by a particular reflection which it makes upon the heap, and by a secondary discoursing extracted from the whole; as being therefore convinced, because it believes it to be impossible, that so many considerations, that no way conspire either in matter or design, should agree in the production of a lie. It is not likely that so many beams of light should issue from the chambers of heaven for no other reason but to lead us into a precipice. Probable arguments and prudential motives are the great hinges of human actions; for as a pope once said, 'It is but a little wit that governs the world;' and the uncertainty of arguments is the great cause of contingency in events; but as uncertain as most counsels are, yet all the great transactions of the affairs of the world are resolved on and acted by them; by suspicions and fears and probable apprehensions infinite evils are prevented; and it is not, therefore, likely to be an error by which so perpetually so many good things are procured and effected. For it were a disparagement to the wise providence of God, and a lessening the rare economy of the Divine government, that he should permit almost all the world, and all reglements, the varieties of event, and all the changes of king-

doms, and all counsels and deliberations, to be conducted by moral demonstrations, and to be under the power of probabilities, and yet, that these should be deceitful and false. Neither is it to be imagined, that God should permit wise men and good,—men that on purpose place their reason in indifference, that abate of their heats, and quench their own extravagant fires,—men that wipe away all clouds and mists from their eyes, that they may see clearly,—men that search as they ought to do, for things that they are bound to find, things that they are commanded to search, and upon which even all their interests depend, and yet, requiring after the end whither they are directed, and by what means it is to be required, that these men should be inevitably abused by their own reason, by the best reason they have; and that when concerning the thing which cannot be demonstrated by proper and physical arguments, yet we are to enter into a persuasion so great, that for the verification of it men must venture their lives and their souls;—I say, if this kind of proof be not sufficient to effect all this, and sufficiently to assure such men, and competently to affirm and strengthen such resolutions, salvation and damnation must be by chance, or, which is worse, it must be impossible to be well, but when it cannot choose to be otherwise: and this, I say, is not to be imagined that God will or does permit, since all these intercourses so much concern God's glory and our eternal interest. The main events of heaven and hell do, in some regards, depend, as to us, upon our faith, whose objects are represented with such lights from God and right reason, as are sufficient to persuade, not to demonstrate; they are such which leave something to us of choice and love, and every proposition of Scripture, though it be as sure, yet it is not so evident as the principles of geometry; and the Spirit of God effects his purposes with an influence as soft and placid as the warmth of the sun,—while a physical demonstration blows hard and high as the north wind; indeed a man must use rudeness, if he does not quit his garment at so loud a call, but we are more willing to part with it, when the sun gently requires us: so is a moral demonstration, it is so human, so persuasive, so complying with the nature and infirmities of man, with the actions of his life and his manner of operation,

that it seems to have been created on purpose for the needs and uses of man in this life, for virtue and for hopes, for faith and for charity, to make us to believe by love, and to love by believing; for in heaven they that see and love, cannot choose but love, and see, and comprehend; for it is a reward, and fills all their faculties, and is not possessed by us, but itself possesses us. In this world where we are to do something ourselves, though all by the grace of God,—that which we do of ourselves is nothing else but to work as we ourselves can,—which indeed happens to be in propositions, as it is in the love of God; this cannot fail us, but we may fail of it: and so are the sentences of religion, infallible in themselves, but we may be deceived, while by a fallible way we proceed to infallible notices, for nothing else could endear our labour and our love, our search and our obedience; and therefore, this must be sufficient and acceptable, if we do what we can: but then this also will secure our confidence: and in the noises of Christendom, when disputing fellows say their brother is damned for not believing them, we need not to regard any such noises, if we proceed prudently as we can, and honestly as we ought; probable motives of our understanding are our sufficient conduct, and then we have this warrant: "Brethren, if our hearts condemn us not, then have we peace towards God[a]." And God would never have inspired his church with prudence, or made any such virtue, if the things which were put under the conduct of it, that is, probabilities, were not instrumental to the service of God, and to the verification of all its just and proper productions.

Probable arguments are like little stars, every one of which will be useless as to our conduct and enlightening; but when they are tied together by order and vicinity, by the finger of God and the hand of an angel, they make a constellation, and are not only powerful in their influence, but like a bright angel, to guide and to enlighten our way. And although the light is not great as the light of the sun or moon, yet mariners sail by their conduct: and though with trepidation and some danger, yet very regularly they enter into the haven. This heap of probable inducements is not

[a] 1 John, iii. 21.

of power as a mathematical and physical demonstration, which is in discourse as the sun is in heaven, but it makes a milky and a white path, visible enough to walk securely.

And next to these tapers of effective reason, drawn from the nature and from the events, and the accidents and the expectations and experiences of things, stands the grandeur of a long and united authority; the understanding thus reasoning, That it is not credible that this thing should have escaped the wiser heads of all the great personages in the world, who stood at the chairs of princes, or sat in the ruler's chair, and should only appear to two or three bold, illiterate, or vicious persons, ruled by lusts, and overruled by evil habits; but in this we have the same security and the same confidence that timorous persons have in the dark; they are pleased, and can see what is and what is not, if there be a candle,—but in the dark, they are less fearful, if they be in company.

This way of arguing some are pleased to call a moral demonstration: not that it can make a proposition clear and bright, and quit from clouds and obscurity, as a natural demonstration can; for I may in this case use Aristotle's saying, τοῦτο μὲν ἀληθὲς, ἀλλ' οὐ σαφὲς, "Things of this nature may be very true, but are not very evident;" but it can produce the same effect, that is, it can lead into truth, not with as much brightness, but with as much certainty and infallibility in the event of things. For a man may as prosperously and certainly arrive at his journey's end, though but conducted by him that went the way but once before him, as if he had a straight path walked in on both sides; so may we find truth as certainly by probabilities, as by demonstrations: we are not so sure that we find it, but it is oftentimes as surely found. And if the heap arrive at that which we call a moral demonstration, it is as certain that no moral demonstration can be opposed against it, as that no natural demonstration can be brought in contradiction to a natural. For the understanding cannot call any thing a moral demonstration, till, by considering the particulars on both sides, the reasonableness of one, and the unreasonableness of the other, with a cold scent, and liberty of spirit, and an unbiassed will, it hath passed the sentence for the truth; and since, in this case, all the opposition is between strength and power on one side, and weakness

and pretence on the other, it is impossible that the opposite parts should be demonstrations or seem so to the same man. And this appears by this also, that some propositions which are only proved by a conjugation of probable inducements, have yet obtained as certain and as regular events as a natural demonstration, and are believed equally, constantly, and perpetually by all wise men, and the understanding does regularly receive the same impression, and give the same assent, and for ever draws forth the same conclusions,—when it is not abused with differing prejudices and preoccupations, when its liberty and powers are not enfeebled with customs, example and contrary breeding, while it is not bribed by interest, or hurried away by passion.

Of this I shall choose to give one instance, which as it is of the greatest concernment in the world in itself, so the gay impieties and bold wits of the world, who are witty against none more than God and God's wisdom, have made it now to be but too seasonable, and that is, that 'the religion of Jesus Christ,' or 'the Christian religion, is from God;' concerning which I will not now pretend to bring in all the particulars whereby each part of it can be verified, but by heaping together such heads of probabilities which are, or may be, the cause of an infinite persuasion; and this I had rather choose to do for these reasons:

1. Because many men excellently learned have already discoursed largely of the truth of Christianity, and approved by a direct and close congression with other religious, by examination of the contrary pretences, refutation of their arguments, answering their objections, and have by direct force so far prevailed, that all the reason of the world appears to stand on the Christian side: and for me to do it now, as there is no just occasion ministered by this argument, so neither can it be useful and necessary.

2. In that way of arguing, every man that is an adversary can answer one argument, and some can reprove many; and none can prevail singly to possess all the understanding, and to fill all the corners of consideration, but in a moral demonstration that can be supplied.

3. In the other way an adversary supposes himself to prevail, when he can answer the arguments singly: and the discourses in that method are like the servants sent singly to

gather fruits of the husbandmen, they killed them as fast as they came, and a man may kill a whole kingdom over, if the opponents come by single persons; but a moral demonstration is like an army which can lose single persons, and yet prevail, but yet cannot be beaten, unless it be beaten all.

4. The few little things that atheistical persons prate against the holy Jesus and his most excellent religion, are infinitely outweighed by the multitude and variety of things to be said for it; and let the others stand (as if they meet with persons that cannot answer them), yet they are sure this greater ought to prevail, because it possesses all the corners of reason, and meets with every instance, and complies with the manner of a man, and is fitted to the nature of things, and complies with the will, and persuades the understanding, and is a guard against the tricks of sophisters, and does not only effect its purpose by direct influence, but is secured by reflection upon itself, and does more by its indirect strength, and by a back blow, than by its first operations; and, therefore,

This instance and this way of argument may be of more use to those persons who cannot so dispute, but that they are apt to be abused by little things, by talkings and imperfect arguings; it may be a defensative against trifling objections, and the impious pratings of the 'nequam ingeniosi,' 'the witty fools,' while the men are armed by love and prudence, and wise securities to stand with confidence and piety against talkings and intrigues of danger; for by this way best, "Wisdom is justified of all her children."

An Instance of moral Demonstration, or a Conjugation of Probabilities, proving that the Religion of Jesus Christ is from God.

This discourse, of all the disputables in the world, shall require the fewest things to be granted; even nothing but what was evident, even nothing but the very subject of the question, viz. That there was such a man as Jesus Christ, that he pretended such things and taught such doctrines: for he that will prove these things to be from God, must be allowed that they were from something or other. But this postulate I do not ask for need, but for order's sake and art; for what the histories of that age reported as a public affair, as one of the most eminent trans-

actions of the world, that which made so much noise, which caused so many changes, which occasioned so many wars, which divided so many hearts, which altered so many families, which procured so many deaths, which obtained so many laws in favour, and suffered so many rescripts in the disfavour of itself; that which was not done in a corner, but was thirty-three years and more in acting; which caused so many sects, and was opposed by so much art, and so much power, that it might not grow; which filled the world with noise; which effected such great changes in the bodies of men, by curing the diseased, and smiting the contumacious or the hypocrites; which drew so many eyes, and filled so many tongues, and employed so many pens, and was the care and the question of the whole world at that time, and immediately after; that which was consigned by public acts and records of courts, which was in the books of friends and enemies; which came accompanied and remarked with eclipses, and stars, and prodigies of heaven and earth, that which the Jews, even in spite, and against their wills, confessed, and which the witty adversaries intending to overthrow, could never so much as challenge of want of truth in the matter of fact and story; that which they who are infinitely concerned that it should not be believed,—or more, that it had never been,—do yet only labour to make to appear not to have been divine: Certainly, this thing is so certain that it was, that the defenders of it need not account it a kindness to have it presupposed; for never was any story in the world that had so many degrees of credibility, as the story of the person, life and death of Jesus Christ: and if he had not been a true prophet, yet that he was in the world, and said and did such things cannot be denied; for, even concerning Mahomet, we make no question but he was in the world, and led a great part of mankind after him, and what was less proved we infinitely believe; and what all men say, and no man denies, and was notorious in itself, of this we may make further inquiries whether it was all that which it pretended: for that it did make pretences, and was in the world, needs no more probation.

But now, whether Jesus Christ was sent from God, and delivered the will of God, we are to take accounts from all the things of the world which were on him, or about him, or

from him. Consider, first, his person: he was foretold by all the prophets: he, I say, for that appears by the event, and the correspondencies of their sayings to his person: he was described by infallible characterisms which did fit him, and did never fit any but him; for when he was born, then was the fulness of time, and the Messias was expected at the time when Jesus did appear, which gave occasion to many of the godly then to wait for him, and to hope to live till the time of his revelation: and they did so, and with a spirit of prophecy which their own nation did confess and honour, glorified God at the revelation: and the most excellent and devout persons that were conspicuous for their piety, did then rejoice in him, and confess him; and the expectation of him, at that time, was so public and famous, that it gave occasion to divers impostors to abuse the credulity of the people in pretending to be the Messias. But not only the predictions of the time, and the perfect synchronisms did point him out, but at his birth a strange star appeared, which guided certain Levantine princes and sages to the inquiry after him; a strange star which had an irregular place, and an irregular motion, that came by design, and acted by counsel, the counsel of the Almighty Guide; it moved from place to place, till it stood just over the house where the babe did sleep; a star of which the heathen knew much, who knew nothing of him; a star which Chalcidius affirmed to have signified the descent of God for the salvation of man; a star that guided the wise Chaldees to worship him with gifts, as the same disciple of Plato does affirm, and as the holy Scriptures deliver. And this star could be no secret: It troubled all the country; it put Herod upon strange arts of security for his kingdom; it effected a sad tragedy accidentally, for it occasioned the death of all the little babes in the city and voisinage of Bethlehem. But the birth of this young child, which was thus glorified by a star, was also signified by an angel, and was effected by the holy Spirit of God, in a manner which was in itself supernatural; a Virgin was his mother, and God was his father, and his beginning was miraculous; and this matter of his birth of a virgin was proved to an interested and jealous person, even to Joseph, the supposed father of Jesus; it was affirmed publicly by all his family, and by all his disciples, and published in the midst of

all his enemies, who by no artifice could reprove it, a matter so famous, that when it was urged as an argument to prove Jesus to be the Messias, by the force of a prophecy in Isaiah, —" A virgin shall conceive a Son,"—they who obstinately refused to admit him, did not deny the matter of fact, but denied that it was so meant by the prophet; which, if it were true, can only prove that Jesus was more excellent than was foretold by the prophets, but that there was nothing less in him than was to be in the Messias. It was a matter so famous, that the Arabian physicians, who can affirm no such things of their Mahomet, and yet not being able to deny it to be true of the Holy Jesus, endeavour to elevate and lessen the thing by saying, ' it is not wholly beyond the force of nature that a virgin should conceive:' so that it was on all hands undeniable, that the mother of Jesus was a virgin, a mother without a man. This is that Jesus, at whose presence, before he was born, a babe in his mother's belly also did leap for joy, who was also a person extraordinary himself, conceived in his mother's old age, after a long barrenness, signified by an angel in the temple, to his father officiating his priestly office, who was also struck dumb for his not present believing: all the people saw it, and all his kindred were witnesses of his restitution, and he was named by the angel, and his office declared to be the forerunner of the Holy Jesus; and this also was foretold by one of the old prophets; for the whole story of this Divine Person is a chain of providence and wonder, every link of which is a verification of a prophecy, and all of it is that thing which, from Adam to the birth of Jesus, was pointed at and hinted by all the prophets, whose words in him passed perfectly into the event. This is that Jesus, who, as he was born without a father, so he was learned without a master, he was a man without age, a doctor in a child's garment, disputing in the sanctuary at twelve years old. He was a sojourner in Egypt, because the poor babe, born of an indigent mother, was a formidable rival to a potent king; and this fear could not come from the design of the infant, but must needs arise from the illustriousness of the birth, and the prophecies of the child, and the sayings of the learned, and the journey of the wise men, and the decrees of God: this journey, and the return, were both managed by

the conduct of an angel and a divine dream,—for to the Son of God all the angels did rejoice to minister. This blessed Person,—made thus excellent by his Father, and glorious by miraculous consignations, and illustrious by the ministry of heavenly spirits, and proclaimed to Mary and to Joseph by two angels, to the shepherds by a multitude of the heavenly host, to the wise men by a prophecy and by a star, to the Jews by the shepherds, to the Gentiles by the three wise men, to Herod by the doctors of the law, and to himself perfectly known by the incasing his human nature in the bosom and heart of God, and by the fulness of the Spirit of God,—was yet pleased, for thirty years together, to live an humble, a laborious, a chaste and a devout, a regular and an even, a wise and an exemplary, a pious and an obscure life, without complaint, without sin, without design of fame or grandeur of spirit, till the time came that the clefts of the rock were to open, and the diamond give its lustre, and be worn in the diadems of kings, and then this Person was wholly admirable; for he was ushered into the world by the voice of a loud crier in the wilderness,—a person austere and wise, of a strange life, full of holiness and full of hardness, and a great preacher of righteousness,—a man believed by all the people that he came from God,—one who in his own nation gathered disciples publicly, and (which amongst them was a great matter) he was the doctor of a new institution, and baptized all the country. Yet this man, so great, so revered, so followed, so listened to by king and people, by doctors and by idiots, by Pharisees and Sadducees, this man preached Jesus to the people, pointed out the Lamb of God, told that he must increase, and himself from all that fame must retire to give him place; he received him to baptism after having with duty and modesty declared his own unworthiness to give, but rather a worthiness to receive baptism from the holy hands of Jesus; but at the solemnity God sent down the holy Spirit upon his holy Son, and by a voice from heaven, a voice of thunder (and God was in that voice), declared that 'this was his Son, and that he was delighted in him.' This voice from heaven was such, so evident, so certain a conviction of what it did intend to prove, so known and accepted as the way of Divine revelation under the second temple, that at that time every man that desired a sign honestly, would have

been satisfied with such a voice; it being the testimony by which God made all extraordinaries to be credible to his people, from the days of Ezra to the death of the nation. That there was such a voice, not only then, but divers times after, was as certain, and made as evident as things of that nature can ordinarily be made. For it being a matter of fact, cannot be supposed infinite, but limited to time and place, heard by a certain number of persons, and was as a clap of thunder upon ordinary accounts, which could be heard but by those who were within the sphere of its own activity; and reported by those to others, who are to give testimony as testimonies are required, which are credible under the test of two or three disinterested, honest, and true men; and though this was done in the presence of more, and oftener than once, yet it was a divine testimony but at first, but is to be conveyed by the means of men; and as God thundered from heaven at the giving of the law,—though that he did so, we have notice only from the books of Moses received from the Jewish nation,—so he did in the days of the Baptist, and so he did to Peter, James, and John, and so he did in the presence of the Pharisees and many of the common people: and as it is not to be supposed that all these would join their divided interests, for and against themselves, for the verification of a lie, so if they would have done it, they could not have done it without reproof of their own parties, who would have been glad by the discovery only to disgrace the whole story; but if the report of honest and just men so reputed, may be questioned for matter of fact, or may not be accounted sufficient to make faith when there is no pretence of men to the contrary,—besides that we can have no story transmitted to us, nor records kept, no acts of courts, no narratives of the days of old, no traditions of our fathers; so there could not be left in nature any usual instrument whereby God could, after the manner of men, declare his own will to us, but either we should never know the will of heaven upon earth, or it must be that God must not only tell it once but always, and not only always to some men, but always to all men; and then, as there would be no use of history, or the honesty of men, and their faithfulness in telling any act of God in declaration of his will, so there would be perpetual necessity of miracles, and

we could not serve God directly with our understanding, for there would be no such thing as faith, that is, of assent without conviction of understanding; and we could not please God with believing, because there would be in it nothing of the will, nothing of love and choice; and that faith which is, would be like that of Thomas, 'to believe what we see or hear,' and God should not at all govern upon earth unless he did continually come himself: for thus, all government, all teachers, all apostles, all messengers, would be needless, because they could not show to the eye what they told to the ears of men. And it might as well be disbelieved in all courts and by all princes, that this was not the letter of a prince, or the act of a man, or the writing of his hand; and so all human intercourse must cease, and all senses but the eye be useless as to this affair, or else to the ear all voices must be strangers but the principal, if I say, no reports shall make faith. But it is certain, that when these voices were sent from heaven and heard upon earth, they prevailed amongst many that heard them not, and disciples were multiplied upon such accounts; or else it must be that none that did hear them, could be believed by any of their friends and neighbours; for if they were, the voice was as effective at the reflex and rebound as in the direct emission, and could prevail with them that believed their brother or their friend, as certainly as with them that believed their own ears and eyes.

I need not speak of the vast numbers of miracles which he wrought; miracles which were not more demonstrations of his power than of his mercy; for they had nothing of pompousness and ostentation, but infinitely of charity and mercy, and that permanent, and lasting and often: he opened the eyes of the blind; he made the crooked straight; he made the weak strong; he cured fevers with the touch of his hand, and an issue of blood with the hem of his garment, and sore eyes with the spittle of his mouth and the clay of the earth; he multiplied the loaves and fishes; he raised the dead to life, a young maiden, the widow's son of Nain, and Lazarus; and cast out devils by the word of his mouth; which he could never do but by the power of God. For Satan does not cast out Satan, nor a house fight against itself, if it means to stand long; and the devil could not help Jesus, because the holy Jesus taught men virtue, called them

from the worshipping devils, taught them to resist the devil, to lay aside all those abominable idolatries by which the devil doth rule in the hearts of men: he taught men to love God, to fly from temptations to sin, to hate and avoid all those things of which the devil is guilty. For Christianity forbids pride, envy, malice, lying, and yet affirms that the devil is proud, envious, malicious, and the father of lies; and therefore, wherever Christianity prevails, the devil is not worshipped; and therefore he that can think, that a man, without the power of God, could overturn the devil's principles, cross his designs, weaken his strength, baffle him in his policies, befool him and turn him out of possession, and make him open his own mouth against himself as he did often, and confess himself conquered by Jesus and tormented, as the oracle did to Augustus Cæsar, and the devil to Jesus himself;—he, I say, that thinks a mere man can do this, knows not the weaknesses of a man, nor the power of an angel; but he that thinks this could be done by compact and by consent of the devil, must think him to be an intelligence without understanding,—a power without force,—a fool and a sot to assist a power against himself, and to persecute the power he did assist, to stir up the world to destroy the Christians, whose Master and Lord he did assist to destroy himself; and when we read that Porphyrius[b], a heathen, a professed enemy to Christianity, did say, Ἰησοῦ τιμωμένου, τις θεῶν δημοσίας ὠφελειας ἴσθετο, that "since Jesus was worshipped, the gods could help no man," that is, the gods which they worshipped; the poor, baffled, enervated demons; he must either think that the devils are as foolish as they are weak, or else that they did nothing towards this declination of their power; and therefore, that they suffer it by a power higher than themselves, that is, by the power of God in the hand of Jesus.

But besides that God gave testimony from heaven concerning him; he also gave this testimony of himself to have come from God, because that "he did God's will;" for he that is a good man, and lives, by the laws of God and of his nation, a life innocent and simple, prudent and wise, holy and spotless, unreproved and unsuspected,—he is certainly by all

[b] Euseb. lib. 5. c. 1. præp. Evang.

wise men, said, in a good sense, to be the son of God; but he who does well and speaks well, and calls all men to glorify and serve God, and serves no ends but of holiness and charity, of wisdom of hearts and reformation of manners, this man carries great authority in his sayings, and ought to prevail with good men in good things, for good ends, which is all that is here required. But his nature was so sweet, his manners so humble, his words so wise and composed, his comportment so grave and winning, his answers so seasonable, his questions so deep, his reproof so severe and charitable, his pity so great and merciful, his preachings so full of reason and holiness, of weight and authority, his conversation so useful and beneficent, his poverty great but his alms frequent, his family so holy and religious, his and their employment so profitable, his meekness so incomparable, his passions without difference, save only where zeal or pity carried him on to worthy and apt expressions, a person that never laughed, but often wept in a sense of the calamities of others; he loved every man and hated no man, he gave counsel to the doubtful, and instructed the ignorant, he bound up the broken hearts, and strengthened the feeble knees, he relieved the poor, and converted the sinners, he despised none that came to him for relief, and as for those that did not, he went to them; he took all occasions of mercy that were offered him, and went abroad for more; he spent his days in preaching and healing, and his nights in prayers and conversation with God; he was obedient to laws, and subject to princes, though he was the prince of Judea in right of his mother, and of all the world in right of his father; the people followed him, but he made no conventions, and when they were made, he snffered no tumults; when they would have made him a king, he withdrew himself; when he knew they would put him to death, he offered himself; he knew men's hearts, and conversed secretly, and gave answer to their thoughts and prevented their questions; he would work a miracle rather than give offence, and yet suffer every offence rather than see God his Father dishonoured; he exactly kept the law of Moses, to which he came to put a period, and yet chose to signify his purpose only by doing acts of mercy upon their Sabbath, doing nothing which they should call a breach of a commandment, but

healing sick people, a charity which themselves would do to beasts, and yet they were angry at him for doing it to their brethren. In all his life, and in all his conversation with his nation, he was innocent as an angel of light; and when, by the greatness of his worth, and the severity of his doctrine, and the charity of his miracles, and the noises of the people, and his immense fame in all that part of the world, and the multitude of his disciples, and the authority of his sermons, and his free reproof of their hypocrisy, and his discovery of their false doctrines and weak traditions, he had branded the reputation of the vicious rulers of the people, and they resolved to put him to death,—they who had the biggest malice in the world, and the weakest accusations, were forced to supply their want of articles against him by making truth to be his fault, and his office to be his crime. and his open confession of what was asked him, to be his article of condemnation: and yet, after all this, they could not persuade the competent judge to condemn him, or to find him guilty of any fault; and therefore they were forced to threaten him with Cæsar's name, against whom then they would pretend him to be an enemy, though in their charge they neither proved, nor indeed laid it against him; and yet, to whatsoever they objected he made no return, but his silence and his innocence were remarkable and evident, without labour and reply, and needed no more argument than the sun needs an advocate to prove that he is the brightest star in the firmament.

Well, so it was, they crucified him: and when they did, they did as much put out the eye of heaven as destroy the Son of God; for when, with an incomparable sweetness, and a patience exemplar to all ages and sufferers, he endured affronts, examinations, scorns, insolencies of rude ungentle tradesmen, cruel whippings, injurious, unjust, and unreasonable usages from those whom he obliged by all the arts of endearment and offers of the biggest kindness,—at last he went to death as to the work which God appointed him, that he might become the world's sacrifice, and the great example of holiness, and the instance of representing by what way the world was to be made happy,—even by sufferings, and so entering into heaven:—that he might, I say, become the Saviour of his enemies, and the elder brother to his friends,

and the Lord of Glory, and the fountain of its emanation. Then it was that God gave new testimonies from heaven: the sun was eclipsed all the while he was upon the cross, and yet the moon was in the full; that is, he lost his light, not because any thing in nature did invest him, but because the God of nature (as a heathen at that very time confessed, who yet saw nothing of this sad iniquity) did suffer. The rocks did rend, the veil of the temple divided of itself and opened the inclosures, and disparked the sanctuary, and made it pervious to the Gentiles' eye: the dead arose, and appeared in Jerusalem to their friends; the centurion and divers of the people smote their hearts, and were by these strange indications convinced that he was the Son of God. His garments were parted, and lots cast upon his inward coat: they gave him vinegar and gall to drink; they brake not a bone of him, but they pierced his side with a spear, looking upon him whom they had pierced; according to the prophecies of him, which were so clear, and descended to minutes and circumstances of his passion, that there was nothing left, by which they could doubt whether this were he or no, who was to come into the world. But after all this, that all might be finally verified and no scruple left, after three days' burial, a great stone being rolled to the face of the grave and the stone sealed, and a guard of soldiers placed about it, he arose from the grave, and for forty days together conversed with his followers and disciples, and beyond all suspicion was seen of five hundred brethren at once, which is a number too great to give their consent and testimony to a lie, and it being so publicly and confidently affirmed at the very time it was done, and for ever after urged by all Christians, used as the most mighty demonstration, proclaimed, preached, talked of, even upbraided to the gainsayers, affirmed by eye-witnesses, persuaded to the kindred and friends, and the relatives and companions of all those five hundred persons who were eye-witnesses, it is infinitely removed from a reasonable suspicion; and at the end of those days was taken up into heaven in the sight of many of them, as Elias was in the presence of Elisha.

Now he of whom all these things are true, must needs be more than a mere man; and that they were true, was affirmed by very many eye-witnesses, men who were innocent, plain

men, men that had no bad ends to serve, men that looked for no preferment by the thing in this life; men to whom their master told they were to expect not crowns and sceptres, not praise of men or wealthy possessions, not power and ease, but a voluntary casting away care and attendance upon secular affairs that they might attend their ministry; poverty and prisons, trouble and vexation, persecution and labour, whippings and banishment, bonds and death; and for a reward they must stay till a good day came, but that was not to be at all in this world; and when the day of restitution and recompense should come, they should never know till it came, but upon the hope of this and the faith of Jesus, and the Word of God so taught, so consigned, they must rely wholly and for ever. Now let it be considered, how could matters of fact be proved better? and how could this be any thing, but such as to rely upon matters of fact? What greater certainty can we have of any thing, that was ever done which we saw not, or heard not,—but by the report of wise and honest persons? especially since they were such, whose life and breeding was so far from ambition and pompousness, that as they could not naturally and reasonably hope for any great number of proselytes, so the fame that could be hoped for amongst them, as it must be a matter of their own procuring, and consequently uncertain,—so it must needs be very inconsiderable, not fit to outweigh the danger and the loss, nor yet at all valuable by them whose education and pretences were against it. These we have plentifully. But if these men are numerous and united, it is more. Then we have more; for so many did affirm these things which they saw and heard, that thousands of people were convinced of the truth of them: but then if these men offer their oath, it is yet more, but yet not so much as we have, for they sealed those things with their blood; they gave their life for a testimony; and what reward can any man expect, if he gives his life for a lie? Who shall make him recompense, or what can tempt him to do it knowingly? But after all, it is to be remembered, that as God hates lying, so he hates incredulity: as we must not believe a lie, so neither stop up our eyes and ears against truth; and what we do every minute of our lives in matters of little and of great concernment, if we refuse to do in our religion,—which yet

is to be conducted as other human affairs are, by human instruments and arguments of persuasion proper to the nature of the thing,—it is an obstinacy that is as contrary to human reason as it is to Divine faith.

These things relate to the person of the holy Jesus; and prove sufficiently that it was extraordinary,—that it was Divine,—that God was with him,—that his power wrought in him; and, therefore, that it was his will which Jesus taught, and God signed. But then if nothing of all this had been, yet even the doctrine itself proves itself Divine and to come from God.

For it is a doctrine perfective of human nature, that teaches us to love God and to love one another, to hurt no man, and to do good to every man; it propines to us the noblest, the highest, and the bravest pleasures of the world; the joys of charity, the rest of innocence, the peace of quiet spirits, the wealth of beneficence, and forbids us only to be beasts and to be devils; it allows all that God and nature intended, and only restrains the excrescencies of nature, and forbids us to take pleasure in that which is the only entertainment of devils, in murders and revenges, malice and spiteful words and actions; it permits corporal pleasures where they can best minister to health and societies, to conversation of families and honour of communities; it teaches men to keep their words that themselves may be secured in all their just interests, and to do good to others that good may be done to them; it forbids biting one another, that we may not be devoured by one another; and commands obedience to superiors, that we may not be ruined in confusions; it combines governments, and confirms all good laws, and makes peace, and opposes and prevents wars, where they are not just, and where they are not necessary. It is a religion that is life and spirit, not consisting in ceremonies and external amusements, but in the services of the heart, and the real fruit of lips and hands, that is, of good words and good deeds; it bids us to do that to God which is agreeable to his excellencies,—that is, worship him with the best thing we have, and make all things else minister to it; it bids us to do that to our neighbour by which he may be better: it is the perfection of the natural law, and agreeable to our natural necessities, and promotes our natural ends and

designs: it does not destroy reason, but instructs it in very many things, and complies with it in all; it hath in it both heat and light, and is not more effectual than it is beauteous; it promises every thing that we can desire, and yet promises nothing but what it does effect; it proclaims war against all vices, and generally does command every virtue; it teaches us with ease to mortify those affections which reason durst scarce reprove, because she hath not strength enough to conquer; and it does create in us those virtues, which reason of herself never knew,—and, after they are known, could never approve sufficiently: it is a doctrine in which nothing is superfluous or burdensome, nor yet is there any thing wanting, which can procure happiness to mankind, or by which God can be glorified: and if wisdom, and mercy, and justice, and simplicity, and holiness, and purity, and meekness, and contentedness, and charity, be images of God and rays of divinity, then that doctrine in which all these shine so gloriously, and in which nothing else is ingredient, must needs be from God; and that all this is true in the doctrine of Jesus, needs no other probation but the reading the words.

For that the words of Jesus are contained in the Gospels, that is, in the writings of them, who were eye-witnesses and ear-witnesses of the actions and sermons of Jesus, is not at all to be doubted; for in every sect we believe their own records of doctrine and institution; for it is madness to suppose the Christians to pretend to be servants of the laws of Jesus, and yet to make a law of their own which he made not: no man doubts but that the Alcoran is the law of Mahomet, that the Old Testament contains the religion of the Jews; and the authority of these books is proved by all the arguments of the religion, for all the arguments persuading to the religion are intended to prove no other than is contained in those books; and these having been for 1500 years and more, received absolutely by all Christian assemblies, if any man shall offer to make a question of their authority, he must declare his reasons,—for the disciples of the religion have sufficient presumption, security and possession, till they can be reasonably disturbed; but that now they can never be is infinitely certain, because we have a long, immemorial, universal tradition that these books were

written, in those times, by those men, whose names they bear; they were accepted by all churches at the very first notice, except some few of the later, which were first received by some churches, and then consented to by all, they were acknowledged by the same, and by the next age for genuine, their authority published, their words cited, appeals made to them in all questions of religion, because it was known and confessed that they wrote nothing but that they knew, so that they were not deceived; and to say they would lie must be made to appear by something extrinsical to this inquiry, and was never so much as plausibly pretended by any adversaries, and it being a matter of another man's will, must be declared by actions, or not at all. But besides the men that wrote them were to be believed because they did miracles,—they wrote prophecies, which are verified by the event; persons were cured at their sepulchres, a thing so famous that it was confessed even by the enemies of the religion: and after all, that which the world ought to rely upon, is the wisdom, and the providence, and the goodness of God: all which it concerned to take care that the religion, which himself so adorned and proved by miracles and mighty signs, should not be lost, nor any false writings be obtruded instead of true, lest, without our fault, the will of God become impossible to be obeyed. But to return to the thing: all those excellent things which singly did make famous so many sects of philosophers, and remarked so many princes of their sects, all of them united, and many more which their eyes, ὄμματα νυκτερίδων, dark and dim could not see, are heaped together in this system of wisdom and holiness. Here are plain precepts full of deepest mystery; here are the measures of holiness and approaches to God described; obedience and conformity, mortification of the body, and elevations of the spirit, abstractions from earth, and arts of society and union with heaven, degrees of excellencies, and tendencies to perfection, imitations of God, and conversations with him; these are the heights and descents, upon the plain grounds of natural reason, and natural religion,—for there is nothing commanded but what our reason by nature ought to choose, and yet nothing of natural reason taught but what is heightened and made more perfect by the Spirit of God; and when there is any thing in the religion, that is against flesh and

blood, it is only when flesh and blood is against us and against reason, when flesh and blood either would hinder us from great felicity, or bring us into great misery. To conclude, it is such a law, that nothing can hinder men to receive and entertain, but a pertinacious baseness and love to vice, and none can receive it but those who resolve to be good and excellent; and if the holy Jesus had come into the world with less splendour of power and mighty demonstrations, yet even the excellency of what he taught, makes him alone fit to be the master of the world.

But then let us consider what this excellent person did effect, and with what instruments he brought so great things to pass. He was to put a period to the rites of Moses, and the religion of the temple, of which the Jews were zealous even unto pertinacy; to reform the manners of all mankind, to confound the wisdom of the Greeks, to break in pieces the power of the devil, to destroy the worship of all false gods, to pull down their oracles, and change their laws, and by principles wise and holy to reform the false discourses of the world. But see what was to be taught, a trinity in the unity of the godhead, ἐν τρία τρία ἕν, that is the Christian arithmetic, "Three are one, and one are three," so Lucian in his Philopatris[a], or some other derides the Christian doctrine; see their philosophy, "Ex nihilo nihil fit." No: "Ex nihilo omnia," "all things are made of nothing;"—and a Man-God and a God-Man, the same person finite and infinite, born in time, and yet from all eternity the Son of God, but yet born of a woman, and she a maid, but yet a mother; resurrection of the dead, reunion of soul and body; this was part of the Christian physics or their natural philosophy. But then certainly their moral was easy and delicious. It is so indeed, but not to flesh and blood, whose appetites it pretends to regulate or to destroy, to restrain or else to mortify: fasting and penance, and humility, loving our enemies, restitution of injuries, and self-denial, and taking up the cross, and losing all our goods, and giving our life for Jesus: as the other was hard to believe, so this is as hard to do. But for whom and under whose conduct was all this to be believed, and all this to be done, and all this

[a] Bipont. vol. ix. page 249.

to be suffered? surely for some glorious and mighty prince, whose splendour as far outshines the Roman empire, as the jewels of Cleopatra outshone the swaddling clothes of the babe at Bethlehem. No, it was not so neither. For all this was for Jesus, whom his followers preached; a poor babe born in a stable, the son of a carpenter, cradled in a cratch, swaddled in poor clouts; it was for him whom they indeed called a God, but yet who, all the world knew, and they themselves said, was whipped at a post, nailed to a cross; he fell under the malice of the Jews his countrymen, and the power of his Roman lords, a cheap and a pitiful sacrifice without beauty and without splendour. The design is great, but does not yet seem possible; but, therefore, let us see what instruments the holy Jesus chose to effect these so mighty changes, to persuade so many propositions, to endear so great sufferings, to overcome so great enemies, to master so many impossibilities, which this doctrine, and this law, from this master, were sure to meet withal.

Here, here it is that the Divinity of the power is proclaimed. When a man goes to war, he raises as great an army as he can to out-number his enemy; but when God fights, three hundred men that lap like a dog, are sufficient; nay, one word can dissolve the greatest army. He that means to effect any thing, must have means of his own proportionable; and if they be not, he must fail, or derive them from the mighty. See then with what instruments the holy Jesus sets upon this great reformation of the world. Twelve men of obscure and poor birth, of contemptible trades and quality, without learning, without breeding; these men were sent into the midst of a knowing and wise world to dispute with the most famous philosophers of Greece, to outwit all the learning of Athens, to out-preach all the Roman orators; to introduce into a newly settled empire, which would be impatient of novelties and change, such a change as must destroy all their temples, or remove thence all their gods: against which change all the zeal of the world, and all the passions, and all the seeming pretences which they could make, must needs be violently opposed; a change that introduced new laws, and caused them to reverse the old, to change that religion under which their fathers long did prosper, and under which the Roman empire obtained so great a grandeur, for a

religion which in appearance was silly and humble, meek and peaceable, not apt indeed to do harm; but exposing men to all the harm in the world, abating their courage, blunting their swords, teaching peace and unactiveness, and making the soldiers' arms in a manner useless, and untying their military girdle; a religion which contradicted their reasons of state, and erected new judicatories, and made the Roman courts to be silent and without causes; a religion that gave countenance to the poor and pitiful (but in a time when riches were adored, and ambition esteemed the greatest nobleness, and pleasure thought to be the chiefest good); it brought no peculiar blessing to the rich or mighty, unless they would become poor and humble in some real sense or other; a religion that would change the face of things, and would also pierce into the secrets of the soul, and unravel all the intrigues of hearts, and reform all evil manners, and break vile habits into gentleness and counsel: that such a religion in such a time, preached by such mean persons, should triumph over the philosophy of the world, and the arguments of the subtle, and the sermons of the eloquent, and the power of princes, and the interest of states, and the inclinations of nature, and the blindness of zeal, and the force of custom, and the pleasures of sin, and the busy arts of the devil, that is, against wit, and power, and money, and religion, and wilfulness, and fame, and empire, which are all the things in the world that can make a thing impossible; this, I say, could not be by the proper force of such instruments; for no man can span heaven with an infant's palm, nor govern wise empires with diagrams. It were impudence to send a footman to command Cæsar to lay down his arms, to disband his legions, and throw himself into Tiber, or keep a tavern next to Pompey's theatre; but if a sober man shall stand alone unarmed, undefended, or unprovided; and shall tell that he will make the sun stand still, or remove a mountain, or reduce Xerxes's army to the scantling of a single troop, he that believes he will and can do this, must believe he does it by a higher power than he can yet perceive, and so it was in the present transaction. For that the holy Jesus made invisible powers to do him visible honours, that his apostles hunted the demons from their tripods, their navels, their dens, their hollow pipes, their temples, and their altars, that he made the oracles silent, as Lucian, Porphyry, Celsus, and

other heathens confess; that against the order of new things, which, let them be ever so profitable or good, do yet suffer reproach, and cannot prevail unless they commence in a time of advantage and favour,—yet that this should flourish like the palm by pressure, grow glorious by opposition, thrive by persecution, and was demonstrated by objections,—argues a higher cause than the immediate instrument. Now how this higher cause did intervene is visible and notorious: the apostles were not learned, but the holy Jesus promises that he would send down wisdom from above, from the Father of spirits; they had no power, but they should be invested with power from on high; they were ignorant and timorous, but he would make them learned and confident, and so he did: he promised that, in a few days, he would send the Holy Ghost upon them,—and he did so: after ten days, they felt and saw a glorious immission from heaven, lights of movable fire sitting upon their heads, and that light did illuminate their hearts, and the mighty rushing wind inspired them with a power of speaking divers languages, and brought to their remembrances all that Jesus did and taught,—and made them wise to conduct souls, and bold to venture, and prudent to advise, and powerful to do miracles, and witty to convince gainsayers, and hugely instructed in the Scriptures, and gave them the spirit of government and the spirit of prophecy. This thing was so public, that, at the first notice of it, three thousand souls were converted on that very day, at the very time when it was done; for it was certainly a visible demonstration of an invisible power, that ignorant persons who were never taught, should, in an instant, speak all the languages of the Roman empire; and indeed this thing was so necessary to be so, and so certain that it was so, so public and so evident, and so reasonable, and so useful, that it is not easy to say whether it was the indication of a greater power, or a greater wisdom. And now the means was proportionable enough to the biggest end: without learning they could not confute the learned world, but therefore God became their teacher; without power they could not break the devil's violence, but therefore God gave them power; without courage they could not contest against all the violence of the Jews and Gentiles, but therefore God was their strength, and gave them fortitude; without great caution and providence they could not avoid the traps of crafty per-

secutors, but therefore God gave them caution, and made them provident: and as Bezaleel and Aholiab [b] received the Spirit of God, the spirit of understanding, to enable them to work excellently in the tabernacle, so had the apostles to make them wise for the work of God and the ministeries of his diviner tabernacle, "which God pitched, not man." Immediately upon this, the apostles, to make a fulness of demonstration and an undeniable conviction, gave the spirit to others also, to Jews and Gentiles, and to the men of Samaria, and they spake with tongues and prophesied; then they preached to all nations, and endured all persecutions, and cured all diseases, and raised the dead to life, and were brought before tribunals, and confessed the name of Jesus, and convinced the blasphemous Jews out of their own prophets, and not only prevailed upon women and weak men, but even upon the bravest and wisest. All the disciples of John the Baptist, the Nazarenes and Ebionites, Nicodemus and Joseph of Arimathea, Sergius the President, Dionysius an Athenian judge, and Polycarpus, Justinus and Irenæus, Athenagoras and Origen, Tertullian and Clemens of Alexandria, who could not be such fools, as, upon a matter not certainly true, but probably false, to unravel their former principles, and to change their liberty for a prison, wealth for poverty, honour for disreputation, life for death, if by such exchange they had not been secured of truth and holiness and the will of God.

But above all these was Saul, a bold and a witty, a zealous and learned young man, who, going with letters to persecute the Christians of Damascus, was, by a light from heaven, called from his furious march, reproved by God's angel for persecuting the cause of Jesus, was sent to the city, baptized by a Christian minister, instructed and sent abroad; and he became the prodigy of the world for learning and zeal, for preaching and writing, for labour and sufferance, for government and wisdom; he was admitted to see the holy Jesus after the Lord was taken into heaven; he was taken up into paradise; he conversed with angels; he saw unspeakable rays of glory; and besides that himself said it, who had no reason to lie, who would get nothing by it here but a conjugation of troubles, and who should get nothing

[b] Exod. xxxvi. 1.

by it hereafter if it were false;—besides this I say, that he did all those acts of zeal and obedience for the promotion of the religion, does demonstrate he had reason extraordinary for so sudden a change, so strange a labour, so frequent and incomparable sufferings: and, therefore, as he did and suffered so much upon such glorious motives, so he spared not to publish it to all the world, he spake it to kings and princes, he told it to the envious Jews: he had partners of his journey who were witnesses of the miraculous accident, and in his publication he urged the notoriousness of the fact, as a thing not feigned, not private, but done at noon-day, under the test of competent persons: and it was a thing that proved itself, for it was effective of a present, a great, and a permanent change.

But now it is no new wonder, but a pursuance of the same conjugation of great and divine things, that the fame and religion of Jesus was, with so incredible a swiftness, scattered over the face of the habitable world, from one end of the earth unto the other; it filled all Asia immediately, it passed presently to Europe, and to the furthest Africans; and all the way it went, it told nothing but a holy and a humble story, that he who came to bring it into the world, died an ignominious death; and yet this death did not take away their courage, but added much: for they could not fear death for that Master, whom they knew to have, for their sakes, suffered death, and came to life again. But now infinite numbers of persons, of all sexes, and all ages, and all countries, came in to the holy crucifix; and he that was crucified in the reign of Tiberius, was, in the time of Nero, even in Rome itself, and in Nero's family, by many persons, esteemed for a God; and it was upon public record that he was so acknowledged; and this was by a Christian, Justin Martyr, urged to the senate, and to the emperors themselves, who, if it had been otherwise, could easily have confuted the bold allegation of the Christian, who yet did die for that Jesus, who was so speedily reputed for a God; the cross was worn upon breasts, printed in the air, drawn upon foreheads, carried on banners, put upon crowns imperial; and yet the Christians were sought for to punishments, and exquisite punishments sought forth for them; their goods were con-

fiscate, their names odious, prisons were their houses, and so many kinds of tortures invented for them, that Domitius Ulpianus hath spent seven books in describing the variety of tortures the poor Christian was put to at his first appearing; and yet in despite of all this, and ten thousand other objections and impossibilities, whatsoever was for them, made the religion grow, and whatsoever was against them, made it grow; if they had peace, the religion was prosperous,—if they had persecution, it was still prosperous; if princes favoured them, the world came in because the Christians lived holily; if princes were incensed, the world came in because the Christians died bravely. They sought for death with greediness; they desired to be grinded in the teeth of lions: and with joy they beheld the wheels and the bended trees, the racks and the gibbets, the fires and the burning irons, which were like the chair of Elias to them, instruments to carry them to heaven, into the bosom of their beloved Jesus.

Who would not acknowledge the divinity of this person, and the excellency of this institution, that should see infants to weary the hands of hangmen for the testimony of Jesus? and wise men preach this doctrine for no other visible reward, but shame and death, poverty and banishment? and hangmen converted by the blood of martyrs springing upon their faces, which their impious hands and cords have strained through their flesh? Who would not have confessed the honour of Jesus, when he should see miracles done at the tombs of martyrs, and devils tremble at the mention of the name of Jesus, and the world running to the honour of the poor Nazarene, and kings and queens kissing the feet of the poor servants of Jesus? Could a few fishermen and a publican effect all this for the son of a poor maiden of Judæa? Can we suppose all the world, or so great a part of mankind, can consent by chance, or suffer such changes for nothing? or for any thing less than this? The son of the poor maiden was the Son of God, and the fishermen spake by a divine spirit, and they caught the world with holiness and miracles, with wisdom and power bigger than the strength of all the Roman legions. And what can be added to all this, but this thing alone to prove the divinity of Jesus? He is a God,

or at least is taught by God, who can foretell future contingencies; and so did the holy Jesus, and so did his disciples.

Our blessed Lord, while he was alive, foretold, that, after his death, his religion should flourish more than when he was alive: he foretold persecutions to his disciples; he foretold the mission of the Holy Ghost to be in a very few days after his ascension, which within ten days came to pass; he prophesied that the fact of Mary Magdalen in anointing the head and feet of her Lord, should be public and known as the Gospel itself, and spoken of in the same place; he foretold the destruction of Jerusalem, and the signs of its approach, and that it should be by war; and particularly, after the manner of prophets, symbolically named the nation should do it, pointing out the Roman eagles; he foretold his death, and the manner of it; and plainly, beforehand, published his resurrection, and told them it should be the sign to that generation, viz. the great argument to prove him to be the Christ; he prophesied that there should arise false Christs after him, and it came to pass, to the extreme great calamity of the nation; and lastly, he foretold that his beloved disciple, St. John, should tarry upon the earth till his coming again, that is, to his coming to judgment upon Jerusalem; and that his religion should be preached to the Gentiles, that it should be scattered over all the world, and be received by all nations; that it should stay upon the face of the earth till his last coming to judge all the world, and that "the gates of hell should not be able to prevail against his church;" which prophecy is made good thus long, till this day, and is as a continual argument to justify the divinity of the author: the continuance of the religion helps to continue it, for it proves that it came from God, who foretold that it should continue; and therefore it must continue, because it came from God; and therefore it came from God, because it does and shall for ever continue, according to the word of the holy Jesus.

But after our blessed Lord was entered into glory, the disciples also were prophets; Agabus foretold the dearth that was to be in the Roman empire in the days of Claudius Cæsar, and that St. Paul should be bound at Jerusalem; St. Paul foretold the entering in of heretics into Asia after his

departure; and he, and St. Peter, and St. Jude, and generally the rest of the apostles, had two great predictions, which they used, not only as a verification of the doctrine of Jesus, but as a means to strengthen the hearts of the disciples, who were so broken with persecution: the one was, that there should arise a sect of vile men, who should be enemies to religion and government, and cause a great apostasy, which happened notoriously in the sect of the Gnostics, which those three apostles and St. John notoriously and plainly do describe; and the other was, that although the Jewish nation did mightily oppose the religion, it should be but for a while, for they should be destroyed in a short time, and their nation made extremely miserable; but for the Christians, if they would fly from Jerusalem, and go to Pella, there should not a hair of their head perish. The verification of this prophecy the Christians extremely longed for, and wondered it staid so long, and began to be troubled at the delay, and suspected all was not well, when the great proof of their religion was not verified; and while they were in thoughts of heart concerning it, the sad catalysis did come, and swept away one million one hundred thousand of the nation, and from that day forward the nation was broken in pieces with intolerable calamities, they are scattered over the face of the earth, and are a vagabond nation, but yet like oil in a vessel of wine, broken into bubbles, but kept in their own circles, and they shall never be a united people till they are servants of the holy Jesus; but shall remain without priest or temple, without altar or sacrifice, without city or country, without the land of promise, or the promise of a blessing, till our Jesus is their High Priest, and the Shepherd to gather them into his fold: and this very thing is a mighty demonstration against the Jews by their own prophets; for when Isaiah, and Jeremiah, and Malachi, had prophesied the rejection of the Jews, and the calling of the Gentiles, and the change of the old law, and the introduction of a new by the Messias,—that this was he, was therefore certain, because he taught the world a new law; and presently after the publication of this, the old was abrogate, and not only went into desuetude, but into a total abolition among all the world; and for those of the remnant of the scattered Jews, who obstinately blaspheme, the law is become impossible to them,

and they placed in such circumstances that they need not dispute concerning its obligation: for it being external and corporal, ritual, and at last made also local, when the circumstances are impossible, the law that was wholly ceremonial and circumstantial must needs pass away; and when they have lost their priesthood, they cannot retain the law; as no man takes care to have his beard shaved, when his head is off.

And it is a wonder to consider, how the anger of God is gone out upon that miserable people, and that so great a blindness is fallen upon them; it being evident and notorious, that the Old Testament was nothing but a shadow and umbrage of the New; that the prophecies of that are plainly verified in this; that all the predictions of the Messias are most undeniably accomplished in the person of Jesus Christ, so that they cannot, with any plausibleness or colour, be turned any other way, and be applied to any other person; although the Jews make illiterate allegations, and prodigious dreams, by which they have fooled themselves for sixteen hundred years together, and still hope without reason, and are confident without revelation, and pursue a shadow while they quit the glorious body; while, in the mean time, the Christian prays for his conversion, and is at rest in the truth of Jesus, and hath certain inexpressible confidences and internal lights, clarities of the Holy Spirit of God, and loves to the holy Jesus produced in his soul,—that he will die when he cannot dispute, and is satisfied and he knows not how, and is sure by comforts, and comforted by the excellency of his belief, which speaks nothing but holiness, and light and reason, and peace and satisfactions infinite; because he is sure that all the world can be happy if they would live by the religion of Jesus, and that neither societies of men nor single persons can have felicity but by this,—and that, therefore, God, who so decrees to make men happy, hath also decreed that it shall for ever be upon the face of the earth, till the earth itself shall be no more. Amen.

Now if, against this vast heap of things, any man shall but confront the pretences of any other religion, and see how they fail both of reason and holiness, of wonder and divinity, how they enter by force, and are kept up by human interests, how ignorant and unholy, how unlearned and pitiful are their

pretences, the darknesses of these must add great eminency to the brightness of that. For the Jews' religion, which came from heaven, is, therefore, not now to be practised, because it did come from heaven, and was to expire into the Christian, it being nothing but the image of this perfection; and the Jews needed no other argument but this, that God hath made theirs impossible now to be done,—for he that ties to ceremonies and outward usages, temples and altars, sacrifices and priests, troublesome and expensive rites, and figures of future signification, means that there should be an abode and fixed dwelling, for these are not to be done by an ambulatory people; and, therefore, since God hath scattered the people into atoms and crumbs of society, without temple or priest, without sacrifice or altar, without urim or thummim, without prophet or vision, even communicating with them no way but by ordinary providence, it is but too evident, that God hath nothing to do with them in the matter of that religion, but that it is expired, and no way obligatory to them or pleasing to him, which is become impossible to be acted: whereas the Christian religion is as eternal as the soul of a man, and can no more cease than our spirits can die, and can worship upon mountains and caves, in fields and churches, in peace and war, in solitude and society, in persecution and in sunshine, by night and by day, and be solemnized by clergy and laity in the essential parts of it, and is the perfection of the soul, and the highest reason of man, and the glorification of God.

But for the heathen religions, it is evidently to be seen, that they are nothing but an abuse of the natural inclination which all men have to worship a God, whom because they know not, they guess at in the dark; for that they know there is and ought to be something that hath the care and providence of their affairs. But the body of their religion is nothing but little arts of governments, and stratagems of princes, and devices to secure the government of new usurpers, or to make obedience to the laws sure, by being sacred, and to make the yoke that was not natural, pleasant by something that is. But yet for the whole body of it, who sees not that their worshippings could not be sacred, because they were done by something that is impure? They appeased their gods with adulteries and impure mixtures, by

such things which Cato was ashamed to see, by gluttonous eatings of flesh, and impious drinkings: and they did "litare in humano sanguine," they sacrificed men, and women, and children to their dæmons,—as is notorious in the rites of Bacchus Omesta amongst the Greeks, and of Jupiter, to whom a Greek and Greekess, a Galatian and Galatess, were yearly offered; in the answers of the oracles to Calchas, as appears in Homer and Virgil; who sees not that crimes were warranted by the example of their immortal gods, and that what did dishonour themselves, they sang to the honour of their gods, whom they affirmed to be passionate and proud, jealous and revengeful, amorous and lustful, fearful and impatient, drunken and sleepy, weary and wounded; that the religions were made lasting by policy and force, by ignorance and the force of custom, by the preferring an inveterate error, and loving of a quiet and prosperous evil, by the arguments of pleasure and the correspondences of sensuality, by the fraud of oracles and the patronage of vices; and because they feared every change as an earthquake, as supposing overturnings of their old error to be the eversion of their well established governments: and it had been ordinarily impossible that ever Christianity should have entered, if the nature and excellency of it had not been such as to enter like rain into a fleece of wool, or the sun into a window without noise or violence, without emotion and disordering the political constitution, without causing trouble to any man but what his own ignorance or peevishness was pleased to spin out of his own bowels; but did establish governments, secure obedience, made the laws firm, and the persons of princes to be so sacred; it did not oppose force by force, nor 'strike princes for justice;' it defended itself against enemies by patience, and overcame them by kindness; it was the great instrument of God to demonstrate his power in our weaknesses, and to do good to mankind by the imitation of his excellent goodness.

Lastly; He that considers concerning the religion and person of Mahomet, that he was a vicious person, lustful and tyrannical,—that he propounded incredible and ridiculous propositions to his disciples,—that it entered by the sword, by blood and violence, by murder and robbery,—that it propounds sensual rewards, and allures to compliance, by

bribing our basest lusts, that it conserves itself by the same means it entered; that it is unlearned and foolish, against reason, and the discourses of all wise men,—that it did no miracles and made false prophecies: in short, that in the person that founded it, in the article it persuades, in the manner of prevailing, in the reward it offers, it is unholy, and foolish, and rude; it must needs appear to be void of all pretence, and that no man of reason can ever be fairly persuaded by arguments, that it is the daughter of God, and came down from heaven. Since, therefore, there is nothing to be said for any other religion, and so very much for Christianity, every one of whose pretences can be proved as well as the things themselves do require, and as all the world expects such things should be proved; it follows, that the holy Jesus is the Son of God, that his religion is commanded by God, and is that way by which he will be worshipped and honoured, and that "there is no other name under heaven by which we can be saved, but only by the name of the Lord Jesus." He that puts his soul upon this, cannot perish; neither can he be reproved, who hath so much reason and argument for his religion. "Sit anima mea cum Christianis;" I pray God, "my soul may be numbered amongst the Christians."

This πάρεργον I have here brought as an instance of moral demonstration, not only to do honour to my dearest Lord, by speaking true and great things of his name, and endeavouring to advance and establish his kingdom, but to represent in order to the first intention, that a heap of probabilities may, in some cases, make a sure conscience: for, as Cicero says[a], "Probabile id est, quod habet in se quandam similitudinem, sive id falsum est, sive verum." For probability is not in the thing properly, for every thing is true or false in itself, and even false things may have the face and the likeness of truth, and cozen even wise persons. It was said of Bias, in Diogenes Laertius[b], "Orator summus et vehemens, sed in bonam causam dicendi vim omnem exercuit;" he could speak excellently, but then he spake best when he had an ill cause. This Lactantius calls 'argutam malitiam,' 'a cunning and an eloquent malice.' But

[a] De Inventione, lib. i. c. 46. Proust, p. 179.
[b] Longolii, lib. i. c. 5. n. 3. p. 87.

then, as falsehood may put on the face of truth, so may truth also like itself; and, indeed, every truth that men preach in religion, is at least probable, that is, there is so much to be said for it, that wise and good men may be persuaded into every truth; and the cause that it is only probable is by reason of our want of knowledge of things; but if it so happen that there is much to be said for the truth, and little or nothing against it, then it is a moral demonstration, that is, it ought to persuade firmly, and upon it we may rest confidently.

This only I am to admonish, that our assent in these cases is not to be greater than the force of the premises; and therefore the church of Rome,—offering to prove all her religion as it distinguishes from the other divisions of Christians only by some prudential motives, or probable inducements, and yet requiring that all her disciples should believe it with divine and infallible faith, as certainly as we believe a mathematical demonstration,—does unjustly require brick where she gives no straw, and builds a tower upon a bulrush, and confesses that her interest is stronger than her argument, and that where by direct proof she cannot prevail, she by little arts would affright the understanding. For to give a perfect assent to probable inducements can neither be reasonable nor possible for considering persons, unless these conditions be in it.

The Requisites or Conditions of a Moral Demonstration for the assuring our Conscience.

1. That the thing be the most probable to us in our present condition: for there are summities and principalities of probation proportionable to the ages and capacities of men and women. A little thing determines a weak person; and children believe infinitely whatsoever is told to them by their parents or tutors, because they have nothing to contest against it. For in all probable discourses, there is an allay and abatement of persuasion by the opposition of argument to argument; but they who have nothing to oppose, and have no reason to suspect, must give themselves up wholly to it; and then every thing that comes is equally the highest, because it fully and finally must prevail. But then that which prevails in infancy, seems childish and ridiculous in our youth;

and then we are concluded by some pretences and pretty umbrages of things, which, for want of experiences, we think very well of; and we can then do no more; that is a demonstration to us, which must determine us: and these little things must then do it, because something must be done, and we must do it as wisely as we may, but no man is bound to be wiser than he can. As the thing seems, either in its own light or in our position, so we are to give our assent unto it.

2. A heap of probable inducements ought to prevail, as being then a moral demonstration, when the thing is not capable of a natural; for then probabilities ought to prevail, when they are the best argument we have. For if any man shall argue thus: 'It is not probable that God would leave his church without sufficient means to end controversies, and since a living infallible judge is the most effective to this purpose, it is therefore to be presumed and relied upon, that God hath done so.' This argument ought not to prevail as a moral demonstration; for though there are some semblances and appearances of reason in it, "Nihil est tam incredibile, quod non dicendo fiat probabile;" said Cicero in his Paradoxies[a]; "there is nothing so incredible, but something may be said for it;" and a witty man may make it plausible, yet there are certainties against it. For God hath said expressly, that "every man is a liar," and therefore we are commanded to "call no man master upon earth;" and the nature of man is weak, and his understanding trifling, and every thing abuses him, and every man that is wise, sees his own ignorance, and he that is not wise is easily deceived,—and they who have pretended to be infallible, have spoken pitiful things, and fallen into strange errors, and cannot be guarded from shame without a whole legion of artifices and distinctions, and, therefore, it is certain that no man is infallible; and where the contrary is certain, the probable pretence is but a fallacy and an art of illusion.

3. There can be no moral demonstration against the word of God, or Divine revelation. He that should flatter himself with thinking the pains of hell shall not be eternal, because it is not agreeable to the goodness of God to inflict a never ceasing pain for a sudden and transient pleasure, and that there can be no proportion between finite

[a] Præf. ad Par. § 4. Wetzel, page 240.

and infinite, and yet God who is the fountain of justice will observe proportions; or if there could be ten thousand more little things said to persuade a sinning man into confidences of an end of torment:—yet he would find himself deceived, for all would be light when put into the balance against these words of our blessed Saviour, "Where the worm never dies, and the fire never goeth out."

4. Where there is great probability on both sides, there neither of them can pretend to be a moral demonstration, or directly to secure the conscience: for contradictions can never be demonstrated; and if one says true, the other is a fair pretender, but a foul deceiver; and, therefore, in this case the conscience is to be secured indirectly and collaterally by the diligence of search, the honesty of its intention, the heartiness of its assent, the infirmity of the searcher, and the unavoidableness of his mistake.

5. The certainty of a moral demonstration must rely upon some certain rule, to which, as to a centre, all the little and great probabilities, like the lines of a circumference, must turn; and when there is nothing in the matter of the question, then conscience hath, ἓν μέγα, one great axiom to rely upon, and that is, that 'God is just,' and 'God is good, and requires no greater probation than he hath enabled us to find.'

6. In probable inducements, God requires only such an assent as can be effective of our duty and obedience, such a one as we will rely upon to real events, such as merchants have when they venture their goods to sea upon reasonable hopes of becoming rich, or armies fight battles in hope of victory, relying upon the strength they have, as probable to prevail; and if any article of our religion be so proved to us as that we will reduce it to practice, own all its consequences, live according to it, and in the pursuance of it, hope for God's mercy and acceptance, it is an assent as great as the thing will bear, and yet, as much as our duty will require; for in these cases no man is wise but he whose ears and heart are open to hear the instructions of any man who is wiser and better than himself.

7. Rules of prudence are never to be accepted against a rule of logic, or reason, and strict discourses. I remember, that Bellarmine, going to prove purgatory from the words of

our blessed Saviour, " It shall not be forgiven him in this world, nor in the world to come;" argues thus, ' If this shall not be forgiven in the world to come, then it implies that some sins are there forgiven, and, therefore, there is a purgatory; because in heaven there are no sins, and in hell there are none forgiven. This (says he) concludes not by the rule of logicians, but it does by the rule of prudence.' Now this to all wise men must needs appear to be an egregious prevarication even of common sense; for if the rules of logic be true, then it is not prudence, but imprudence that contradicts them, unless it be prudence to tell, or to believe, a lie. For the use of prudence is to draw from conjectures a safe and a wise conclusion, when there are no certain rules to guide us. But against the certain rules it is folly that declares, not prudence; and besides that this conjecture of Bellarmine is wholly against the design of Christ, who intended there only to say, that ' the sin against the Holy Ghost should never be pardoned;' it fails also in the main inquiry, for although there are no sins in heaven, and in hell none are forgiven, yet, at the day of judgment all the sins of the penitent shall be forgiven and acquitted with a blessed sentence: but besides this, the manner of expression is such as may with prudence be expounded, and yet to no such purpose as he dreams. For if I should say, Aristobulus was taken away, that neither in this life, nor after his death, his eyes might see the destruction of the Temple, does it follow by the rule of prudence, therefore, some people can see in their grave, or in the state of separation with their bodily eyes? But as to the main inquiry, what is to be the measure of prudence? For some confident people think themselves very prudent, and that they say well and wisely, when others, wiser than they, know they talk like fools: and because no established reason can be contradicted by a prudent conjecture, it is certain that this prudence of Bellarmine was a hard shift to get an argument for nothing, and that no prudential motives are to be valued because any man calls them so, but because they do rely upon some sure foundation, and draw obscure lines from a resolved truth. For it is not a prudential motive, unless it can finally rest upon reason, or revelation, or experience, or something that is not contradicted by any thing surer than itself.

RULE III.

Of two Opinions equally probable, upon the Account of their proper Reasons, one may be safer than another.

That is more probable, which hath fairer reasons; that is more safe, that is furthest distant from a sin: and although this be always considerable in the matter of prudence, and in the whole conjunction of affairs, yet it is not always a proper ingredient in the question. The abbot of Lerius hath the patronage of some ecclesiastical preferments in the neighbourhood; he, for affection, prefers to one of them an ignorant and a vicious clerk. But, afterwards being troubled in conscience, inquires if he be not bound to restitution. He is answered, No; because it is in the matter of distributive justice, which binds not to repair that which is past, any other ways but by repentance to God, and provisions for the future: yet he being perplexed, and unsatisfied, does restore so much fruits to the next worthy incumbent, as the former unworthy clerk did eat. This was the surer course, and it procured peace to him; but the contrary was the more probable answer. It is safer to restore all gains of usury; but it is more probable that a man is not obliged to it. In which cases the advantage lies not on that side, that is more probable, but on that which is more safe; as in these sentences that oblige to restitution. For although either part avoids a formal sin, yet the safer side also persuades to an action that is materially good, such as restitution is; but not to restore, although in these cases it may be innocent, yet, in no sense, can it, of itself, be laudable.

To which also in these cases it may be added, that on the safer side there is a physical, or natural and proper certainty, that we sin not: on the other, though there is a greater probability, that there is no obligation, yet, at most, it can make but some degrees of moral certainty. But how far this course is to be chosen and pursued, or how far the other is to be preferred, will afterwards be disputed.

RULE IV.

An Opinion that is speculatively probable, is not always practically the same.

In a right and sure conscience the speculative and the practical judgment are always united, as I have before[a] explicated; but in opinions that are but probable, the case is contrary. It is in speculation probable, that it is lawful to baptize in the name of the Lord Jesus; but yet, he that shall do this practically, does improbably and unreasonably. If the opinion of the primitive Christians had been probable that it is lawful to communicate infants, yet it were at no hand fitting to be done in the present constitution of affairs; and it were highly useful, if men would consider this effectually; and not from every tolerable opinion instantly run to an unreasonable and intolerable practice.

For a speculation considers the nature of things abstractedly from circumstances physically or metaphysically; and yet when it comes to be reduced to practice, what, in the head, was innocent, will, upon the hand, become troublesome and criminal. If there were nothing in it but the disorder of the novelty or the disturbance of men's minds in a matter that is but probable, it were highly enough to reprove this folly. Every man's imperfect discourse or half reasons are neither fit to govern the actions of others or himself. Suppose it probable (which the Greek church believes), that the consecration of the blessed eucharist is not made by the words of institution, but by the prayers of the holy man that ministers, the bishop or the priest;—yet when this is reduced to practice, and that a man shall omit the words of institution or consecration, his practice is more to be reproved than his opinion could be possibly allowed. Some think churches not to be more sacred than other places: what degree of probability soever this can have, yet it is a huge degree of folly to act this opinion, and to choose a barn to pray in, when a church may be had.

For there are, in actions, besides the proper ingredients of their intrinsical lawfulness or consonancy to reason, a

[a] Chap. 2.

great many outsides and adherencies, that are considerable beyond the speculation. The want of this consideration hath done much evil in many ages; and amongst us nothing hath been more usual than to dispute concerning a rite or sacramental, or a constitution whether it be necessary, and whether the contrary be not lawful; and if it be found probably so as the inquirers would have it, immediately they reduced it to practice, and caused disorder and scandal, schism and uncharitableness amongst men, while they thought that Christian liberty could not be preserved in the understanding, unless they disorder all things by a practical conclusion. "Videas quosdam, quibus sua libertas non videtur consistere, nisi per esum carnium die Veneris in ejus possessionem venerint[b];" Calvin complains with reason. It is a strange folly that men will not think they have possession of Christian liberty, unless they break all laws and all customs; as if men could not prove things to be indifferent, and not obligatory, unless they certainly omit them. Christian liberty consists in the head, not in the hand; and when we know we are free from the bondage, we may yet do the work; and when our gracious Lord hath knocked our fetters off, we may yet think it to be fit to do what his stewards command us in order to his services. It is free to us to eat or to abstain, to contain or to marry; but he that only marries because he would triumph and brag of his freedom, may get an imperious mistress instead of a gentle master. By the laws of Christian liberty, indifferent things are permitted to my choice, and I am not under their power; but no Christian liberty says, that I am free from the power of a man, though I be from the power of the thing; and although in speculation, this last was sufficient to be considered, yet when the opinion comes to be reduced to practice, the other also ought to have been thought upon. And besides this, it is a strange pertness and boldness of spirit, so to trust every fancy of my own, as to put the greatest interest upon it; so to be in love with every opinion, and trifling conceit, as to value it beyond the peace of the church, and the wiser customs of the world, or the laws and practices of a wise and well instructed community of men. Nothing can make recompense for a certain

[b] Lib. iii. cap. 9. Instit.

change but a certain truth, with apparent usefulness in order to charity, piety, or institution.

These instances are in the matter of religion; it may also happen thus in the matter of justice. When Lamech perceived something stir in a bush, it was very probable it was a wild beast; but when he came to reduce his opinion to practice, he shot at it, and killed a man. And, in the matter of justice, there is a proper reason for this rule: because, in matters of right or wrong, possession is not to be altered without certainty, and therefore neither can I seize upon my goods in another man's hand, unless I be sure they are mine, though I were not otherwise restrained by human laws; neither may I expose any thing to danger, of which I am not certainly master.

This also is, with great caution, to be observed in the matter of chastity. Although it may be true, that, in many cases, such or such aspects or approximations may be lawful; that is, those things so far as they are considered, have no dissonancy from reason: yet he that shall reduce this opinion to practice, must also remember, that he is to deal with flesh and blood, which will take fire, not only from permissions, but from prohibitions and restraints, and will pass instantly from lawful to unlawful: and although this may not be a sin in consideration and discourse, but is to be acquitted by the sentence of the schools and pulpit, yet when it comes to be viewed and laid before the judgment in the court of conscience, and as it was clothed with circumstances,—it will be found, that when it came to be practised, other parts or senses were employed, which cannot make such separations, but do something else.

But if it be asked, 'To what purpose it can be, that any man should inquire of the lawfulness of such actions, which whether they be lawful or unlawful, yet may not be done?' I answer, that 'the inquiry is necessary for the direct avoiding a sin in the proper matter of the instance;' for he that never inquires, sins for want of inquiry, and despises his soul, because he takes no care that it be rightly informed: but if he inquires, and be answered that the opinion is false, or the action criminal,—he finds by the answer, that it was worth his pains to ask, because by it he is taught to avoid a sin: but then, besides the question of lawful or unlawful, there

are further inquiries to be made concerning fitting and unfitting, offensive or complying, safe or dangerous, abstractedly or in relation; for many things, which are lawful in themselves, become very bad to him that does them, and to him that suffers them.

RULE V.

The greater Probability destroys the less.

That is, it is not lawful 'directly' to choose an opinion, that seems less probable, before that which is more probable; I say, 'directly;' for if the less probable be more safe, it becomes accidentally more eligible; of which I have already [a] given account, and shall add something afterward [b]. But without this accident, the degrees of safety are left to follow the degrees of probability. For when the safety does not depend upon the matter, it must depend upon the reasons of the inducement; and because the safety must increase consequently to the probability, it is against charity to omit that, which is safer, and to choose that, which is less safe.

For it is not in moral things, as it is in natural, where a less sweet is still sweet, though not so sweet as that which is more: and the flowers of trefoil are pleasant, though honey be far more pleasant; and Phædon may be wise, though he be not so wise as Plato: because there are degrees of intension and remission in these qualities: and if we look upon two probable propositions, and consider them naturally, they are both consonant to reason in their apparencies, though in several degrees. So that if Sempronius choose a less probable, before he hath learned what is more probable, he hath done well and safely. But when the two probables are compared, to reject that which is more probable is to do, 1. Unnaturally: 2. and unreasonably; 3. and imprudently.

1. Unnaturally.

In matters proposed to the will,—the will may choose a less good, and reject the greater; and though it is most commonly a great imperfection to do so, yet it is many times innocent;

[a] Rule 2. of this sect. [b] Chap. 5. rule 4.

because it is in the choice of the will, to which it is propounded, and no commandment laid upon it. But in matters of opinion and intellectual notices, where there is no liberty, there is a necessity of following the natural proportions, that is, that the stronger efficient upon the same suscipient should produce the more certain and regular effect. "To think or to opine is not free," said Aristotle[c]; and yet he that chooses the less probable, omitting that which is more, makes the determination by his will, not by his understanding; and, therefore, it is not an honest act or judgment of conscience, but a production of the will.

2. It is unreasonable: because in all those degrees of unreasonableness, in which the less probable is excelled by that which is more probable, a man does wholly proceed without and against that reason. And why does he choose the less probable? I do not ask why he chooses the less probable opinion,—that I mean, which is so in itself; for he may do that, because it seems more reasonable, or he knows nothing else: but I ask, why he proceeds according to a less probable conscience? that is, why does he choose that, which he believes to be less probable? for what reason does he choose that, for which he hath the least reason? If there be no reason to choose that rather than the other, then it is an unreasonable thing to do so. If there be a reason, which is not in the other, or which is not excelled or equalled by it,—then the case is altered, and this is not the less probable, but equally or more. But supposing it less probable, it is a contradiction to say a man can reasonably choose it. For if he could, there must be some greater reason in that, which hath less reason; something there must be in it, whereby it can be preferred, or be more eligible, which is directly against the supposition and state of the question. The unreasonableness of this we may also perceive by the necessities of mankind, which are served by the more probable, and disserved by that which is less. For thus judges are bound for the interest of all parties, and the reasonableness of the thing, to judge on that side, where the sentence is most probable: and the physician, in prescribing medicines, must not choose that, which he least confides in, and reject

[c] Lib. ii. de anima. text. 153.

that, which he rather trusts. And why do all the world, in their assemblies, take that sentence, which is chosen by the greater part? but because that is presumed more probable, and that which is so, ought to be followed; and why it ought not to be so in matters of our soul, is not easily to be told, unless our conscience may be governed by will rather than by reason, or that the interest of souls is wholly inconsiderable.

3. It is also imprudent: a man that believes a less probable, is light of heart, he is incurious of his danger, and does not use those means in order to his great end, which himself judges the most reasonable, effective, and expedient. He does, as Rehoboam did, who rejected the wiser counsel of the seniors, and chose the less likely sentence of the young gallants, and does against the advice of all those rules, which are prescribed us in prudent choice; and if no man ever advised another to choose that which is less reasonable,—he that does so, does against the wisdom and the interest of all the wise men in the world.

4. After all this, it is not honest to do it. For in two probables, only one of them is true; and which that is, he can only take the best way of the best reason to find out; and it is impossible he should believe that, which to him seems less likely, to be the more likely; and, therefore, so far as is in him, he chooses that which is false, and voluntarily abuses his conscience;—which, besides the folly of it, is also criminal and malicious.

This doctrine thus delivered was the opinion of the ancient casuists, Angelus, Sylvester, Cordubensis, Cajetan, and some others; but fiercely opposed by the latter, who are bold and confident to say, that their opinion is the common and more received, and it relies upon these reasons;

1. Because if it were unlawful to follow the less probable and to leave the greater, it is because there is danger in so doing, and no man ought to expose himself to a danger of sinning: but this pretence is nothing; for by the consent of all sides, it is lawful to follow the more probable, though it be less safe; and, therefore, all danger of sinning is not, under pain of sin, to be avoided.

2. The people are not tied to greater severity in their practices, than the doctors are in their sermons and dis-

courses, nor yet so much: because, in these, an error is an evil principle, and apt to be of mischievous effect and dissemination; whereas an error in practice, because it is singular and circumstantiate, is also personal and limited. But the doctors may lawfully teach an opinion less probable, if they be moved to it by the authority of some more eminent person.

3. It is confessed to be lawful to follow the opinion that is more probable; but that it is lawful to leave the more probable and to follow the less, say they, is the more common and received opinion, and therefore also more probable; and therefore this opinion may be chosen and pursued; and then, because we may follow that opinion which is more probable, we may follow that which is less, because it is more probable that we may.

These objections I answer:

1. That the danger of sinning is not the only reason, why we may not follow the less probable opinion; for it is not always lawful to expose ourselves to a danger of sinning; for sometimes it is necessary that we endure a noble trial, and resist openly, and oppose an enemy, which cannot be done without danger, but is often without sin; but to leave the more probable for the less is not only a danger of sinning, but a sin directly, and beyond a danger; and if it were not more than a mere danger, it could not be a sin. For besides that this hath danger, it is a most unreasonable, and a most unnatural thing, against the designs of God, and the proper effects of reason. But besides, this way of arguing is neither good in logic nor in conscience. He that can answer one of my arguments, does not presently overthrow my proposition; and it is not safe to venture upon an action, because the contrary relies upon one weak leg. But then as to the instance in this argument, I answer, he that follows the more probable, though it be less safe, does not expose himself to any danger at all of sinning, because though he does not follow his greatest fears, yet he follows his greatest reason, and in that he is sometimes safest though he perceives it not: however, there is in this case no danger that is imputable to the man, that follows the best reason he hath. But this excuses not him, who follows that which seems to him to have in it less reason; for unless it be by some other

intervening accident, which may alter the case (of which I shall afterwards give account), the less probable opinion hath in it a direct danger, and therefore to choose it, is ordinarily against charity, and, in some degree, against conscience itself.

2. To the second I answer, that both doctors and the people, though they may safely follow the less probable opinion, yet they may never directly follow a less probable conscience: that is, though a probable opinion is a sufficient guide of conscience, and it is sufficient both for publication and for practice that it is so; and, therefore, that we are not strictly tied to make a curious search into the two probables, which excels others in the degrees of reason, lest there should arise eternal scruples, perpetual restlessness and dissatisfaction in the minds of men; yet when of two probables there is an actual persuasion that this is more, and that is less, neither may the doctors teach, nor any man follow the less,—because here it is not the better opinion, but the better conscience that is despised. It may happen that what I believe more probable, is indeed less; and therefore it must be admitted to be safe to follow the less probable opinion, if it happen to stand on the fairest side of conscience,—that is, that it be better thought of than it deserves; but for the same reason it is also certain, that we must follow that which we think the more probable opinion, whether it be so or no,—because this is to be done, not for the opinion, but for conscience sake. And whereas it is said in the objection, that 'a doctor may lawfully teach an opinion less probable, if he be moved to it by the authority of some more eminent person,' that is as much as to say, when the opinion, which intrinsically, or at least in his private judgment seems less probable, becomes extrinsically the more probable, he may follow either; of which in this chapter I am yet to give a more particular account; but it no way rifles the present doctrine. Only this I add, if it were lawful and safe to follow the less probable opinion, and reject the greater, then in such questions, which are only determined by authority and sentences of wise men, it were lawful to choose any thing that any one of them permits, and every probable doctor may rescind all the laws in Christendom, and expound all the precepts of the Gospel in easy senses, and change

discipline into liberty, and confound interests, and arm rebels against their princes, and flocks against their shepherds and prelates, and set up altar against altar, and mingle all things sacred and profane. Because if any one says it is lawful, all that have a mind to do evil things, may choose him for their guide, and his opinion for their warranty.

3. To the third, I answer, that the opinion which is more common, is not always the more probable; for it may be false and heretical: and if at any times it seems more probable, it is because men understand little or nothing of it. But then if it were so, yet this opinion, which is lately taught by the modern casuists, is not the more common, simply and absolutely; it was once the less common, and whether it be so now or no, it is hard to tell; but admit it be so, yet the community and popularity of opinion is but a degree of extrinsical probability, and is apt to persuade only in the destitution of other arguments, which because they are not wanting in this question, the trick in the objection appears trifling.

RULE VI.

When two Opinions seem equally probable, the last Determination is to be made by Accidents, Circumstances, and collateral Inducements.

In the matter of this rule it is variously disputed; some affirming that the understanding must for ever remain suspended, and the action wholly omitted, as in the case of a doubting conscience. Others give leave to choose either part, as a man please, making the will to determine the understanding.

The first cannot be true, because while they both seem equally consonant to reason, it cannot be dishonest to choose that, which to me seems reasonable; and, therefore, the understanding may choose practically. They are like two things equally good, which alike move the will,—and the choosing of the one is not a refusing the other, when they cannot be both enjoyed: but like the taking one piece of gold, and letting the other that is as good, alone: and the

action is determined by its own exercise, not by an antecedent reason.

But neither can it be, in all cases and questions, that the determination can be totally omitted; as if the question be whether this ought to be done, or ought to be let alone, and both of them seem equally probable; so also if the question be, whether it may be done, or may be let alone: in these cases, it is certain one part must be chosen; for the very suspending the act is not a suspending of the choice, the not doing it is a compliance with one of the probabilities. The lazy fellow in the apologue, that told his father he lay in bed in the morning, to hear Labour and Idleness dispute whether it were best to rise or to lie still, though he thought their arguments equally probable, yet he did not suspend his act, but, without determining, he put the sentence of Idleness in execution: and so it must be in all questions of general inquiry concerning lawful or unlawful, necessary or not necessary; the equal probability cannot infer a suspension or an equal noncompliance.

But neither can the second be true; for the will must not alone be admitted an arbitrator in this affair; for besides that it is of dangerous consequence to choose an opinion because we will, it is also unnatural, the will being no ingredient into the actions of understanding. The will may cause the understanding to apply a general proposition to a particular case, and produce a practical judgment by that general measure, without particular arguments in the question apportioned to the proper matter, as I before discoursed[a]. But when the understanding is wholly at dispute about the proper arguments of two propositions, if the will interposes, the error that happens, if the conclusion falls on the wrong side, is without excuse, because it is chosen; and the truth is not so safe and useful, because it came by an incompetent instrument, by that which was indifferent to this truth or the other. Indeed, if there be no other way to determine the question, the will must do it, because there is no avoiding it; but if there be any other way, this must not be taken; but ordinarily there is.

The third way, therefore, is this: The determination may

[a] Ch. iii. Rule 7.

be made by any thing that can be added to either side "in genere rationis." As the action that is prepared, stands more ready for my circumstances; that which does me less violence, is more proportionable to any of those events, which in prudence are to me considerable. It is indifferent whether Paula Romana give her alms to the poor of Nicopolis, or to the poor dwelling near the monastery of Bethlehem; but because these dwelt nearer, and were more fitted for her circumstances, this was enough to turn the scale and make the determination. It is like putting on that garment that is nearest me, not this rather than the other; nor yet this because I will, but this because it is here. The use of this rule is, to prevent a probable conscience to become doubtful, and yet (as much as may be) to avoid the interposition of the will in the practical judgments of conscience.

This rule is to be enlarged with this addition; That if the conscience, by reason of the equal probability of two opinions so standing without any determining and deciding circumstances and accidents, cannot decree on any side neither by intrinsical nor extrinsical means, that is, neither by proper arguments nor collateral inducements, no action ought to follow; but the case of which the question is, if it can be, ought to be omitted, as in the case of a doubting conscience; which, though as I showed before, cannot happen when the question is general of lawful or unlawful, necessary or unnecessary, yet it may happen in particular cases, as whether this thing be lawful or that, whether this is to be done or the other. It may happen that neither of them ought, and, in the present supposition, neither of them can; that is, if the man suffers his dispute to pass into a doubt.

In other cases, a man may safely take any course, which he finds probable, equally disputed, uncertain in itself, contrarily determined by doctors disputing with fair arguments. For in this case malice is no ingredient; and if interest be, it is therefore lawful, because it is an extrinsical motive, apt and reasonable to be considered, and chosen, and pursued by fair means, if the interest itself have no foulness in it.

But of all the external motives, that can have influence in the determination of a sentence between two probabilities, a relation to piety is the greatest. He that chooses this,

because it is most pious, chooses his opinion out of consideration, and by the inducement of the love of God. That which causes more honour to God, that which happily engages men in holy living, that which is the most charitable, and the most useful,—that is to be preferred. But this is to be conducted with these cautions:

1. That the disposition to piety or charity be not made to contest an apparent truth. It is hugely charitable to some men, if it could be made true, to say that God is merciful to all sinners and at all times; and it is ten thousand pities to see a man made to despair upon his death-bed, upon the consideration of his past evil life; but this consideration must not, therefore, be pretended against the indispensable plain necessity of a holy life, since it is plainly revealed, that "without the pursuing of peace with all men, and holiness, no man shall see God."

2. If both the probabilities be backed and seconded by their proper relations to piety, to take one of them is not a competent way to determine the probability; but it must be wholly conducted by the efficacy of its proper reasons, or by some appendage in which one prevails above the other, when one opinion is valued because it is apt to make men fear, and not to be presumptuous; and another, because it is apt to make men hope, and never to despair; the balance is equal, and must be turned by neither of these. Scotus and Durandus, Gabriel and Almain, Medina, and some few others, taught, 'That the death of Christ did not make satisfaction to God for the sins of the whole world, by the way of perfect and exact justice, but by God's gracious acceptance of it, and stipulation for it.' This opinion does, indeed, advance the honour of God's mercy, but the contrary advances the dignity of Christ's suffering; and, therefore, it must be disputed and determined by some other instruments of persuasion. God the Father is on one side, and God the Son on the other; and though he who honours one, honours both, yet he that prefers one, may seem also to disparage both.

3. The relation to piety, and the advantages which come to it by the opinion, must not be fantastic, and relying upon a weak opinion and fond persuasion, but upon true reason or real effects. It is a common opinion among the ancients,

that Anna, the mother of the blessed virgin-mother of God, had been married to three husbands successively, and that the blessed virgin was the second wife of Joseph; they who think that the second and third marriages are less perfect than the first, think it more pious to embrace the other opinions, viz. that Anna was married to none but Joachim, and that Joseph was only married to the holy Virgin Mary: but because this is to take measures of things, which God hath not given us, and to reckon purities and impurities by their own fancies, not by reason and revelation from God, therefore this fantastic relation to piety is not weight enough to carry the question along with it.

In other cases the rule holds: and by these measures our conscience can be supported in a storm, and be nourished and feasted every day, viz. if we take care:

1. That we avoid every thing that we know to be a sin, whether it be reproached by its natural impurity and unreasonableness, or, without any note of turpitude, it be directly restrained by a law.

2. That we fly every appearance of evil, or likeness of sin [b].

3. That we fly every occasion or danger of sin.

4. That we avoid all society or communication with sin, or giving countenance and maintenance to it. By these measures and analogies, if we limit our cases of conscience, we cannot be abused into danger and dishonour.

RULE VII.

It is not lawful to change our practical Sentence about the same Object, while the same Probability remains.

A MAN may change his opinion as he sees cause, or alter the practice upon a new emergent reason; but when all things are equal without and within, a change is not to be made by the man, except it be in such cases in which no law, or vow, or duty, or the interest of a third, is concerned; that is, unless the actions be indifferent in themselves, or

[b] 1 Thess. v. 22.

innocent in their circumstances, and so not properly considerable in the fears of conscience, in which cases a man's liberty is not to be prejudiced.

This stating of the rule does intimate the proper reasons of it, as appears in the following instances: Juan, a priest of Messina, having fasted upon the vespers of a holy day, towards the middle of the night hath a great desire to eat flesh; he, dwelling by the great church, observed that the clocks in the neighbourhood differed half an hour: he watches the first clock that struck midnight; and as soon as it had sounded, he ate his meat, because then he concluded that the ecclesiastical fasting-day was expired, and that, therefore, it was then lawful, by the laws of his church, to eat flesh. But being to consecrate the blessed eucharist the next morning, and obliged to a natural fast before the celebration of the holy sacrament, he changed his computation, and reckoned the day to begin by the later clock; so that the first day ended half an hour before the next day began, and he broke his fast because the eve was past, and yet he accounted that he was fasting, because the holy day was not begun. This was to cozen the law, and if it be translated to more material instances, the evil of it will be more apparent, but in this the unreasonableness is as visible. The like is the case of a gentleman living in the neighbourhood of Rome. Baptista Colonna happened to be in Rome on the three and twentieth of August, which is usually the eve of St. Bartholomew, but there it is kept on the twenty-fourth day: he refused to fast on the ordinary day of the vigils, as he used to do, because in Rome, where he then was, the custom was otherwise; he ate his meals, and resolved to keep it the next day: but on the morrow, being very hungry and desirous of flesh, he changed his sentence, and went out of Rome to the neighbourhood, and kept the feast of St. Bartholomew without the eves. This is to elude the duty, and to run away from the severity of the law, by trifling with the letter.

If the case be not complicated with a law, yet it is often infolded with the interest of a third person, and then is not to be changed, but remains invariable. Mævius promised to Sertorius to give him a servant, either Ephodius or Taranta, but resolves to give him Taranta: immediately after the

resolution, Ephodius dies, and Mævius tells his friend he is disobliged, because he hath but one, and resolves not to part with Taranta, and it was in his liberty to give him either, and because he will not assign his part in this, it is wholly lost in the other; but this is unfriendly and unjust. To this sort of instance is to be reduced a caution against fraudulency in the matter of vows.

Vitellescus vows to fast upon the last of February: but, changing his mind, believes he may commute his fasting for alms; he resolves to break his fast, and to give a ducat to the poor. But when he had new dined, he discourses the question again, and thinks it unlawful to commute, and that he is bound to pay his vow in kind; but the fast is broken; and yet if he refuses, upon this new inquest, to pay his commutation, he is a deceiver of his own soul. For in the present case, if to commute were not lawful, yet it is certain he is not disobliged; and, therefore, he is to pay his commutation, because it was decreed in the time of a probable conscience; and not being in itself unlawful, though it be now supposed to be insufficient, yet it is to be accounted for, upon the stock of the first resolution of the conscience, because the state of things is not entire; and advantages are not to be taken against religion from the account and stock of our errors or delusions; and if, after this, the conscience be not at rest, it is to be quieted by other actions of repentance and amends.

Quest. But here also is to be inquired, whether a man may, to several persons, to serve distinct ends, in themselves lawful and honest, discourse of and persuade both the parts of a probability respectively? Titius woos Orestilla for his wife; she being sickly, and fearful lest she shall have no children, declines it; he to persuade her, tells her it is very likely she will, and that it will cure her indisposition. But the interest of Titius is to have no children, as being already well stored, and therefore is dissuaded by them that have power over him, not to marry Orestilla. He, to answer their importunity, tells them, it is very likely Orestilla will be barren, and upon that account he marries her because she is sickly, and unlikely to become a mother. The question is, whether this be lawful?

I answer, 1. If he be actually persuaded of that part of

the probability when he urges it, and be changed into the other when he persuades the other, there is no question but it is as lawful to say both as one; for they are single affirmatives or negatives, and the time is but accidental to his persuasion; yesterday this, and to-morrow its contrary are alike, while in both, or each of them, his persuasion is hearty and sincere.

2. If Titius urges both parts severally, and yet remains actually persuaded but of one of them, he may urge them as probable in themselves, disputable, and of indifferent argument and inducement, for so they are. But,

3. He must not imprint them by the efficacy of his own authority and opinion, nor speak that as certain which is at most but probable, and to him seems false; for so to do is against ingenuity and Christian sincerity; it is to make a lie put on the face of truth and become a craft; it is not honest nor noble, nor agreeing to the spirit of a Christian, and is a direct deception on one side, and an indirect prosecution of a lawful end.

RULE VIII.

An Opinion relying upon very slender Probability is not to be followed, except in the Cases of great Necessity, or great Charity.

That it is not ordinarily to be followed is therefore certain, because it cannot be supposed, but that its contradictory hath greater probability; and either he that follows this trifle, is light of belief, or unreasonable in his choice, or his reason is to him, but as eyes to an owl or bat, half sighted and imperfect; and, at the best, not fit motive to the will. And if it could be lawful to follow every degree of probability, it were perfectly in any man's choice to do almost what he pleased, especially if he meets with an ill counsellor and a witty advocate. For, at this rate, all marriages may be dissolved, all vices excused, upon pretence of some little probable necessity; and drunkenness will be entertained as physic, and fornication as a thing allowed by some vicious persons whose wit is better than their manners; and all

books of conscience shall become patrons or 'indices' of sins, and teach men what they pretend against, and there shall be no such thing as checks of conscience, because few men sin without some excuse, and it were no excuse, unless it were mingled with some little probabilities; and there were, in very many cases, no rule for conscience but a witty inventor of pretty little inducements, which rather than a man shall want, his enemy will supply to him out of his magazine of fallacies.

But that there are some cases, in which it is to be permitted, is therefore certain, because it may be necessary in some circumstances to do so, and in these cases the former impediments cannot intervene, because the causes of necessity or great charity, occurring but seldom, destroy all power or pretence of an easy deception. Anna Murrana was married to her near kinsman, Thomas Grillo, but supposed him not to be so near. It was afterwards discovered to her, that the propinquity was so great, that the marriage was null and invalid: while this trouble was upon her, there happily comes a discreet old woman, who tells her, that, though it be true that Grillo's father was supposed to have lain with her mother, and that herself was born of that conjunction, yet she herself, being private to the transaction, did put another woman into the place of Murrana's mother, and that her mother was also deceived in the same manner; and though they thought they enjoyed each other, yet they were both cozened into more chaste embraces. Now upon this the question arises, whether or no Murrana may safely rely upon so slight a testimony as the saying of this woman, in a matter of so great difficulty and concernment. Here the case is favourable. Murrana is passionately endeared to Grillo, and, besides her love, hath a tender conscience, and if her marriage be separated, dies at both ends of the evil, both for the evil conjunction, and for the sad separation. This, therefore, is to be presumed security enough for her to continue in her state.

Like to this is that of a woman in Brescia. Her husband had been contracted to a woman of Panormo, "per verba de præsenti;" she taking her pleasure upon the sea, is, with her company, surprised by a Turk's man of war, and is reported, first to have been deflowered, and then killed. When the

sorrow for this accident had boiled down, the gentleman marries a maid of Brescia, and lives with her some years; after which she hears that his first spouse was not killed, but alive and in sorrow in the isle of Malta, and therefore that herself lived in a state of adultery, because not she, but the woman in Malta, was the true wife to her husband. In this agony of spirit, a mariner comes to her house, and secretly tells her, that this woman was indeed at Malta, but lately dead, and so the impediment was removed. The question now arises, whether, upon the taking away this impediment, it be required that the persons already engaged should contract anew? That a new contract is necessary, is universally believed, and is almost certain (as in its proper place will be made to appear); for the contrary opinion is affirmed but by a very few, and relies but upon trifling motives, requiring only the consent of either of the parties as sufficient for renewing of the contract. But this being but a slender probability, ought not to govern her; she must contract anew by the consent of her husband, as well as by her own act. But now the difficulty arises; for her husband is a vicious man, and hates her, and is weary of her, and wishes her dead; and if she discover the impediment of their marriage, and that it is now taken away, and, therefore, requires him to recontract himself, that the marriage which was innocently begun, may be firm in the progression, and legally valid, and in conscience; she hath great reason to believe that he will take advantage of it, and refuse to join in a new contract. In this case, therefore, because it is necessary she should, some way or other, be relieved, it is lawful for her to follow that little probability of opinion which says, that the consent of one is sufficient for the renovation of the contract. And in this case, all the former inconveniences mentioned before do cease: and this is a case of favour in behalf of an innocent marriage, and in favour of the legitimation of children, and will prevent much evil to them both. So that although this case hath but few degrees of probability from its proper and intrinsical causes, yet by extrinsical and collateral appendages, it is grown favourable, and charitable, and reasonable: it is almost necessary, and, therefore, hath more than the little probabilities of its own account.

One case more happens, in which a small probability may be pursued, viz. when the understanding hath not time to consider deeply, and handle the question on all sides; then that which first offers itself, though but mean and weak, yet if it be not against a stronger argument at the same time presented, it may suffice to determine the action; for in case the determination prove to be on the wrong side, yet the ignorance is involuntary and unchosen.

These rules are concerning a conscience that is probable by intrinsical motives, that is, by reason, whether the reason be direct or collateral. But because the conscience is also probably moved in very many cases, by authority, which is an extrinsical motive, this is also to be guided and conducted.

RULE IX.

Multitude of Authors is not ever the most probable Inducement, nor doth it in all Cases make a safe and probable Conscience.

Following a multitude is sometimes like the grazing or running of a herd, "Non quo eundum est, sed quo itur," "not where men ought, but where they use to go:" and, therefore, Justinian[a], in compiling of the body of the Roman laws, took that which was most reasonable, not that which was most followed; "Sed neque ex multitudine auctorum quod melius et æquius est judicabile: cum possit unius forsan, et deterioris sententia multos et majores aliqua in parte superare:" "The sentence of one, and of a meaner man, may sometimes outweigh the sayings of a multitude of greater persons." "Nam testibus se, non testimoniis crediturum rescripsit imperator." Sometimes one witness is better than twenty testimonies; that is, one man, good and pious, prudent and disinterested, can give a surer sentence than many men, more crafty and less honest. And in the Nicene council[b], when the bishops were purposing to dissolve the priests' marriages, Paphnutius did not follow the

[a] L. p. ver. Sed neque C. de veteri jure enucleando.
[b] Cap. Nicæna Synodus. dist. 32.

common vote, but gave them good reason for his single opinion, and they all followed him. This rule is true, and to be practised in the following cases:

1. When against the common opinion, there is a strong or a very probable reason, then the common opinion is not the more probable: because a reason is an intrinsical, proper and apportioned motive to the conscience, but human authority, or citation of consenting authors, is but an extrinsical, accidental, and presumptive inducement, and a mere suppletory in the destitution of reason; and, therefore, Socrates[c] said, "Veritatem in disputando, non ex teste aliquo, sed ex argumento esse ponderandam;" "Truth is to be weighed by argument, not by testimony;" and it is never otherwise, but when men are ruled by prejudice, or want reason to rule them in that particular.—"Tantum opinio præjudicata poterat, ut etiam sine ratione valeret auctoritas," said Cicero[d]. And this is to be extended to all sorts of authors that are not canonical, or divine. "Meum propositum est antiquos legere, probare singula, retinere quæ bona sunt, et à fide ecclesiæ catholicæ non recedere," said St. Jerome: "My purpose is to read the fathers, to try all things, to retain that only which is good, and never to depart from the faith of the catholic church,"—that is, from the creeds, which all Christendom professes. And at another time when himself asked leave, in discourse with St. Austin, "Patiaris me cum talibus errare," "Suffer me to go along with such great men, though to an error," it would not be permitted[e], but reason was chosen, and the authority neglected. And this course all men have followed when they pleased, and knew they might and ought.

2. When the multitude of doctors are reducible to a single, or an inconsiderable principle and beginning. Thus an opinion entertained by a whole family and order of clerks, while they either generally do follow, or think themselves bound to follow the leading man in their own order, is to be reckoned but as a single opinion. The millenary opinion was driven to a head in Papias; the condemning unbaptized

[c] In Protag. Plat.

[d] 1 De nat. Deor. lib. i. c. 5. sect. 10. Heindorf, p. 10.

[e] Vide Liberty of Prophes. sect. 8. Daillé du vrai usage des Pères.

infants, in St. Austin, or St. Ambrose; and, therefore, their numerous followers are not to be reckoned into the account. For if they that follow, consider it not, the case is evident; if they do, then their reasons are to be weighed, not their authority.

3. When it is notorious that there is, or may be a deception in that number, by reason of some evil ingredient in the production of the opinion; as if it be certain that the opinion was taken up because it serves an interest, the same men having been on the other side when their interest was there. That it is lawful to put heretics, or disagreeing persons to death, is generally taught by the followers of Calvin and Beza where they do prevail: and yet no man that lives under them, hath warrant to rely upon their authority in this question, because it is only where and when they have power, themselves having spoken against it in the days of their minority and under persecution. Under the same consideration it is, if there be any other reason against the men, not relating to their manners, but to their manner of entering or continuing in the persuasion.

4. But when these cautions are provided for, the multitude of authors hath a presumptive authority, that is, when there is no reason against the thing, nor against the men, we may presume upon the multitude of learned men in their proper faculty, that what they teach is good and innocent, and we may proceed to action accordingly. It can never make a conscience sure, but it may be innocent, because it is probable; but he that relies upon authority alone, is governed by chance. Because, if the more be against him, he is prejudiced by multitude; if the fewer be against him, yet they may be the wisest: and whether they be or not, yet a tooth-drawer may sometimes speak a better reason; and one may carry it against multitudes, and neither one nor the other can justly induce a belief, unless they have considered all things; and if I can tell who hath done so, I am myself as well able to answer as they: for he that can judge who speaks best reason, or who is most fit to be trusted in the particular, must be able in himself to consider the particulars by which that judgment is to be made; if he can and does, he hath reason within him, and needs not follow authority alone; if he cannot, then he is governed by chance,

and must be in the right, or in the wrong, according as it happens. For in many cases both sides have many advocates and abettors, and no man can tell who hath most, and each side says that their opinion is the most commonly received. In Venice there is a law, that any man may kill his father if he be banished; some affirm this also to be lawful where such a law is in force, and they affirm this to be the common opinion. Julius Clarius says that it is the common opinion, that though there be such a law, yet that it is unlawful to do it. It is commonly affirmed that it is lawful for such a banished person to defend himself, and, if he can, in his own defence to kill the invader. It is also a common opinion, that this is as unlawful as for a condemned man to kill his executioner; because no war can be just on both sides. It is very commonly taught, that it is lawful by fraud, by surprise, by treason, to slay the banditti. It is also very commonly taught that this is absolutely unlawful. Sometimes that which was the common opinion an age ago, is now rarely maintained but by a few persons. It was a common opinion in Tertullian's time, that the souls departed are in outer courts, expecting the revelation of the day of the Lord; in the time of Pope Leo, and Venerable Bede, and after, it was a common opinion that they were taken into the inner courts of heaven. Sometimes the place diversifies the opinion. In Germany and France, the Romanists worship the cross with a religious worship of the lowest kind of their own distinction; but in Spain they worship it with that which they call λατρεία, or the highest kind; and this is commonly done in the several countries respectively. When this, or any thing like this shall happen, unless by reason men be determined, they may draw lots for their opinion. But since the better part is not always the greater, it is left to me to choose which I will; and it is ten to one but I call the men of my own communion or my own acquaintance, 'the best;' and it is certain I cannot judge of those, with whom I do not converse.

For these and many other concurrent causes, the proceeding is inartificial and casual, and fit to lead the ignorant, but not the learned; and concerning the ignorant he can so little skill to choose his authority, that he must

lie under that where he dwells, and where his fortune hath placed him. If he goes any whither else, he hath no excuse, because he hath no sufficient inducement; and where a man cannot go alone, it is best for him to sit still where God's providence hath placed him, and follow the guides provided by the laws of his country where he was born, or where he lives:

Πουλύπεδός μοι, τέκνον, ἔχων γόον ———
Τοῖσιν ἐφαρμόζων ὧν καὶ πρὸς δῆμον ἵκηαι[f].

Conform yourself to the laws of the people with whom you must abide.

This is the most proper way to conduct the ignorant in their cases of conscience, in which themselves have no skill. They must believe one, and if they have a better way to proceed, let them pursue it: if they have not, this is certainly safe, because it is their best: and no man is tied to make use of better than he hath. And if they could fall into error, yet it could not be imputed to them with justice, while 'bona fide' they fall into heresy, and are honestly betrayed. This only is to be added:

They must make it as good as they can by inquiry (according to their circumstances, opportunities, and possibilities), and by prayers, and by innocent and honest purposes: for these only will secure our way, by means of God's providing. In this case there is no irregularity, because it is the best obedience which can be expressed by subordinate and weak understandings, and there is in it no danger, because the piety, and the prayers of the man will obtain God's blessing upon his innocent well-meaning soul. It was well said of Hesiod,

Οὔτος μὲν πανάριστος, ὃς αὐτὸς πάντα νοήσει,
[Φρασσάμενος τά κ' ἔπειτα καὶ ἐς τέλος ἦσιν ἀμείνω]
Ἐσθλὸς δ' αὖ κἀκεῖνος, ὃς εὖ εἰπόντι πίθηται·
Ὃς δέ κε μήτ' αὐτὸς νοέῃ, μήτ' ἄλλου ἀκούων
Ἐν θυμῷ βάλληται, ὃδ' αὖτ' ἀχρήϊος ἀνήρ[g].

"He is the best and wisest man, who in himself knows what he ought to do, discerning what is best, and seeing unto the end of things. He also is good, who obeys the sayings

[f] Clearch. [g] Op. et D. 291. Gainsford, Poet. Min. Græc. vol. i. p. 23.

of wise men, that counsel well; but he is a fool, who, not being able to advise or determine himself, refuses to be conducted by others." Here only are the evils to be complained of.

In some places there are a great many articles put into their public confessions, and a great many teachers of unnecessary propositions, and a great many idle and impertinent guides, who multiply questions lest themselves should seem useless; and amongst men, there are many orders, and families, and societies, all which are desirous to advance themselves, and to get disciples and reputation; and on the other side, there are very many that are idle, and rather willing to trust others, than to be troubled themselves; and many choose teachers for interest, and some have men's persons in admiration because of advantage; and princes have designs of state, and they would have religion minister to them: and there are a great many ecclesiastical laws made, and some of these pass into dogmatical propositions, and they "teach for doctrines the commandments of men;" and there are very many sects of men, and confident fools, who use to over-value their trifles, and teach them for necessary truths, and in all this incertainty of things, men are in the dark, and religion is become an art of wrangling; and the writers of controversies are oftentimes abused themselves, and oftener do abuse others; and, therefore, men are taught certain little rules to grope by, and walk in seas and upon rocks. But the things themselves are oftentimes so indifferent, and the reasons of either side so none at all, or so inconsiderable, that it comes to pass that the testimony of doctors is the guide that men choose (as they list) to follow: who because they teach contrary things, cannot be followed by their authority,—and for reason, sometimes themselves have none, sometimes their disciples have not leisure to examine them, or judgment to discern them.

Quest. Here, therefore, is to be inquired, How shall the ignorant and vulgar people proceed in such cases, where their teachers are divided?

1. I answer, that in most cases it is best for them to let them alone, and let them be divided still, and to follow them in those things where they do agree; but if it be in such cases where they must declare or act on one side,

let them take that which they think to be the safest, or the most pious, the most charitable, and the most useful; that so by collateral considerations they may determine that, which by the authority seems equal and indeterminable.

The collateral considerations are commonly these:

1. That which is more agreeable to the letter of Scripture.
2. That which does most agree with the purpose and design of it.
3. That which saints have practised.
4. That which whole nations have approved.
5. That which is agreeable to common life.
6. That which is best for the public.
7. That which is most for the glory of God, for the reputation of his name, and agreeing with his attributes.
8. That which is more holy.
9. That which gives least confidence to sin and sinners.
10. That which is most charitable to others.
11. That which will give least offence.
12. And (in destitution of all things else) that which is most useful to ourselves. All these are good considerations, and some of them intervene in most cases, and can be considered by most men. But where nothing of these can be interwoven in the sentence, but that the authority of the teacher is the only thing that can be considered, the following measures are to be added.

2. The authority of one man wise and good, that is, who is generally so reputed, is a probable argument, and a sufficient guide to ignorant persons in doubtful matters, where there is no clear or known revelation to the contrary. When it is his best, there is no disputing whether it be good or no; only in this case, he is so far to suspend his consent, till his guide hath considered, or answered deliberately; for if his guide vomit out answers, it is better to refuse it, till it be digested better. This hath been highly abused in some places; and permissions have been given or taken to do acts of vile impiety, or horrible danger, where by interest they were persuaded; and being desirous for some pretence to legitimate the act, or to invite their conscience to it, they have been content with the opinion of one probable doctor. Such was he, whose tes-

timony being required in a matter of right concerning his college, swore to a thing as of his certain knowledge, of which he had no certain knowledge, but a probable conjecture; only because he had read or been told, that one doctor said it was lawful so to do. This is to suborn a sentence, and to betray a conscience; for the sentence of one doctor is only a good or a tolerable guide, when there is no better guide for us, and no reason against us; that is, it is to be used only, when it is the best, but not when it is the worst.

3. But if divers men equally wise and good speak variously in the question, and that the inquirer cannot be indifferent to both, but must resolve upon one, he is first to follow his parish-priest, rather than a stranger in the article, who is equal in all things else; his own confessor, his own bishop, or the laws and customs of his own country: because, next to reason, comes in place that which in order of things is next to it; that is, the proper advantages of the man, that is, learning and piety; and next to them succeed the accidental advantages of the man, that is, his authority and legal pre-eminence. There is no other reason for these things, but that which is in the proper and natural order of things: this is the natural method of persuasion, direct and indirect.

4. Where it can certainly be told that it is the more common, there the community of the opinion hath the advantage, and is in the same circumstance still to be preferred; because, where reason is not clear and manifest, there we are to go after it, where it is more justly to be presumed. Τά τοι καλ' ἐν πολλοῖσι κάλλιον λέγειν, said Euripides [h]; "it is good, when good things are attested by many witnesses." ὃ μὲν πᾶσι δοκεῖ, τοῦτο εἶναί φαμεν, said Aristotle [i]; "that which seems so to all men, this we say, is is it seems:" and so it is in proportion from some to many, from many to all. The sum of all these things is this: 1. God is to be preferred before man. 2. Our own reason, before the sayings of others. 3. Many, before few. 4. A few, before one. 5. Our superiors, or persons in just autho-

[h] Hippolytus, 606. Monk, p. 77.—Priestley's edition of Euripides, vol. iii. page 191.

[i] Eth. lib. x.

rity over us, before private persons, 'cæteris paribus.' 6. Our own, before strangers. 7. Wise men, before the ignorant. 8. The godly and well meaning, and well reputed, before men of indifferent or worse lives. That is, they must do as well and wisely as they can, and no man is obliged to do better; only this is to be observed:

That, in this case, it is not necessary that truth should be found, but it is highly necessary it should be searched for. It may be, it cannot be hit, but it must be aimed at; and therefore they, who are concerned, are not to be troubled and amazed at the variety of opinions that are in the world: "There must be heresies," that is, sects and differing opinions, "that they who are faithful, may be approved." Now they can be approved in nothing but what is in their power, that is, diligence to inquire, and honesty in consenting; both which may very well be, and yet the man be mistaken in his particular sentence, in a matter not simply necessary, not plainly revealed.

There is but one thing more that concerns his duty, and that is, that in all his choices he prefer the interest of peace, and of obedience; for it ought to be a very great cause that shall warrant his dissent from authority which is appointed over him. Such causes may be, but the unskilled multitude (of whom we now treat) seldom find those causes, and seldom are able to judge of them; and therefore this rule is certain.

Whoever blows a trumpet, and makes a separation from the public, they who follow his authority, and know not, or understand not, a sufficient reason for the doing it, they are highly inexcusable upon this account,—because they, following the less probable authority, have no excuse for the matter of their sin; and, therefore, if it happen to be schism, or rebellion, or disobedience, or heresy in the subject-matter, it is, in the very form of it, so imputed to the consenting person: for, though great reason may be stronger than authority, yet no private authority is greater than the public. But of this I shall have further occasion to discourse in its proper place.

Although this is the best, and therefore a sufficient advice for the ignorant, yet for the learned and the wise, there are other considerations to be added:

1. They who are to teach others, may not rely upon single testimonies, or the slight probability of one doctor's opinion. This is true ordinarily and regularly, because such persons are supposed more at leisure, more instructed, better able to inquire; and to rely finally upon such single and weak supports, is to do the work of the Lord negligently.

2. If the opinion be probable upon the account of a more general reception, and be the more common, and allowed by wise and good men, they who are learned, and are to teach others, may lawfully follow the opinion without examining the reasons, for which it is by those wise men entertained. For the work of learning and inquiry is so large, and of immense extension, that it is impossible all men should perfectly inquire of all things: but some especially attend to one thing, some to another; and where men have best considered, they consider for themselves and for others too, and themselves are helped by those others, in the proper matter of their consideration. A man's life is too short, and his abilities less, and, it may be, his leisure least of all, and unable so to consider all that is fit to be believed and taught, that it will be necessary we should help one another; and the great teachers and doctors in several instances may ordinarily be relied upon without danger and inconvenience.

3. But if it happens, that, by circumstances and accidents, the particular question be drawn out into a new inquiry; if a new doubt arise, or a scandal be feared, or the division of men's minds in the new inquest, then the reasons must be inquired into, and the authority is not sufficient.

1. Because the authority is, by the new doubt, made less probable, and is part of the question: and therefore ought not to be presumed right in its own case.

2. Because the duty of teachers is, by this accident, determined to this special inquiry, and called from their inactive rest, and implicit belief; because the inquirers upon this new account will be determined by nothing but by that reason that shall pretend strongest; and therefore they who are thus called upon, can no other ways "give answer to them that ask." It was the universal doctrine of the church of God for many ages, even for fourteen centuries of years, that episcopacy is of Divine, or apostolical institution: It was a sufficient warranty for a parish-priest to teach that doc-

trine to his parishioners, because he found it taught every where, and questioned no where. But when afterwards this long prescribing truth came to be questioned, and reasons and Scriptures pretended and offered against it, and a schism likely to be commenced upon it, it is not sufficient then to rely upon the bare word of those excellent men, who are able to prove it, as it is supposed; but they who are to teach others, must first be instructed themselves in the particular arguments of probation, that, according to the precepts apostolical, they may "render a reason of the hope that is in them[k]," and may be able "both to exhort and to convince the gain-sayers[l]; who, because they expressly decline the authority, and the weight of testimony, cannot be convinced but by reason, and the way of their own proceeding.

RULE X.

In following the Authority of Men, no Rule can be antecedently given for the Choice of the Persons, but the Choice is wholly to be conducted by Prudence, and according to the Subject-matter.

Ancient writers are more venerable, modern writers are more knowing; they might be better witnesses, but these are better judges. Antiquity did teach the millenary opinion; that infants were to be communicated, and that without baptism they were damned to the flames of hell; that angels are corporeal; that the souls of saints did not see God before doomsday; that sins once pardoned did return again upon case of relapse; that persons baptized by heretics were to be rebaptized; and they expounded Scripture, in places innumerable, otherwise than they are at this day, by men of all persuasions: and therefore no company of men will consent that in all cases the fathers are rather to be followed than their successors. They lived in the infancy of Christianity, and we in the elder ages; they practised more and knew less, we know more and practise less; passion is for younger years, and for beginning of things:

[k] 1 Pet. iii. 15. [l] Tit. i. 9.

wisdom is by experience, and age, and progression. They were highly to be valued, because, in more imperfect notices, they had the more perfect piety; we are highly to be reproved, that in better discourses we have a most imperfect life, and an unactive religion; they in their cases of conscience, took the safest part, but the moderns have chosen the most probable. It was the opinion of the ancient divines and lawyers, that every man is bound to make restitution of all that which he gains by play, by cards and dice, and all such sports as are forbidden by human laws. The modern casuists, indeed, do often reprove the whole process, and condemn the gamesters in most circumstances; but do not believe them tied to restitution, but to penance only. The first is the safer, and the severer way; but the latter hath greater reasons, as will appear in its own place. All contracts of usury were generally condemned in the foregoing ages of the church; of late, not only the merchant, but the priest, and the friar, puts out money to increase, and think themselves innocent; and although commonly it happens, that our ignorance and fears represent one opinion to be safe, when the other is more reasonable,—yet, because men will be fearful, and very often are ignorant and idle in their inquiries, there will still remain this advantage to either side, that one is wiser, and the other, in his ignorance, is the more secure, because he does more than he needs. And therefore it often happens, that though we call the ancient writers fathers, yet we use them like children, and think ourselves men rather than them; which is affirmed by some, but in effect practised by every man when he pleases.

But if any one shall choose the later writers, he must first choose his interest and his side; I mean, if he chooses to follow any upon their authority or reputation, without consideration of their reasons, then he must first choose his side, for he can never choose his side by the men, because most authors are of it themselves by interest. But because all probability is wholly derived from reason, every authority hath its degree of probability, according as it can be presumed or known to rely upon reason. Now in this both the ancients and the moderns excel each other respectively. "The ancients were nearer to the fountains apostolical; their stream was less puddled; their thread was not fine,

but plain and strong; they were troubled with fewer heresies; they were not so wittily mistaken as we have been since; they had better and more firm tradition; they had passed through fewer changes, and had been blended with fewer interests; they were united under one prince, and consequently were not forced to bend their doctrines to the hostile and opposite designs of fighting and crafty kings; their questions were concerning the biggest articles of religion, and therefore such in which they could have more certainty and less deception; their piety was great, their devotion high and pregnant, their discipline regular and sincere, their lives honest, their hearts simple, their zeal was for souls, and the blood of the martyrs made the church irriguous, and the church was then a garden of the fairest flowers, it did daily germinate with blessings from heaven, and saints sprung up, and one saint could know more of the secrets of Christ's kingdom, the mysteriousness of godly wisdom, than a hundred disputing sophisters; and, above all, the church of Rome was then holy and orthodox, humble and charitable, her authority dwelt in the house of its birth; that is, in the advantages of an excellent faith, and an holy life; to which the advantages of an accidental authority being added by the imperial seat, she was made able to do all the good she desired, and she desired all that she ought; and the greatness of this advantage we can best judge by feeling those sad effects which have made Christendom to groan, since the pope became a temporal prince, and hath possessed the rights of some kings, and hath invaded more, and pretends to all, and is become the great fable, and the great comet of Christendom, useless and supreme, high and good for nothing, in respect of what he was at first, and still might have been, if he had severely judged the interest of Jesus Christ to have been his own."

But then, on the other side, the modern writers have considered all the arguments and reasons of the ancients; they can more easily add, than their fathers could find out; they can retain their perfect issues, and leave the other upon their hands; and what was begun in conjecture, can either be brought to knowledge, or remanded into the lot and portion of deceptions. "Omnibus enim hic locus feliciter se dedit, et qui præcesserunt, non præripuisse mihi videntur

quæ dici poterant, sed aperuisse. Conditio optima ultimi est," said Seneca; "They who went before us, have not prevented us, but opened a door, that we may enter into the recesses of truth; he that comes last, hath the best advantage in the inquiry:"—"Multum egerunt qui ante nos fuerunt, sed non peregerunt: multum adhuc restat operis, multumque restabit: nec ulli nato post mille secula præcludetur occasio aliquid adhuc adjiciendi[a]; "They who went before us, have done wisely and well in their generations, but they have not done all; much work remains behind, and he that lives a thousand ages hence, shall not complain that there are no hidden truths fit for him to inquire after." There are more worlds to conquer:

> Multa dies variique labor mutabilis ævi
> Retulit in melius. ——[b].

Every day brings a new light, and by hearty and wise labour we improve what our fathers espied, when they peeped through the crevices. Every art, every manufacture was improved,

> Venimus ad summum fortunæ: pingimus, atque
> Psallimus, et luctamur Achivis doctius unctis [c].

The Romans outdid the Greeks, even in things which they were taught in Athens, or on their hills of sport. But to proceed in the comparing the ages: these latter ages have more heresies, but the former had more dangerous; and, although the primitive piety was high and exemplary, yet the effect of that was, that in matters of practice they were more to be followed, but not in questions of speculation; these later ages are indeed diseased, like children that have the rickets, but their upper parts do swell, and their heads are bigger; "sagaciores in dogmate, nequiores in fide;" and if they could be abstracted from the mixtures of interest, and the engagement of their party, they are in many things better able to teach the people, than the ancients; that is, they are best able to guide, but not always safest to be followed. If all circumstances were equal, that is, if the later ages were united, and governed, and disinterested, there is no question but they are the best instructors; there is

[a] Seneca, ep. 64. Ruhkopf, vol. ii. page 264.
[b] Virg. Æn. xi. 425. Heyne. [c] Horat. Ep. ii. 1, 32.

certainly more certain notice of things, and better expositions of Scriptures now than formerly; but because he that is to rely upon the authority of his guide, cannot choose by reasons, he can hardly tell now where to find them upon that account. There is more gold now than before, but it is more allayed in the running, or so hidden in heaps of tinsel, that when men are best pleased now-a-days, they are most commonly cozened.

If a man will take the middle ages, he may if he will, and that is all that can be said in it; for there can be no reason for it, but much against it. "Ego vero veteres veneror, et tantis nominibus semper assurgo[d]. Verum inter externa ætatem esse scio, omniaque non esse apud majores meliora;" "I, for my part, do more reverence the ancients, and use to rise up" and bow my head to such reverend names, as St. Irenæus, St. Cyprian, Origen, St. Jerome, St. Austin; but I reckon age amongst things that are without, it enters not into the constitution of truth; and this I know, that amongst these ancients, not all their sayings are the best. And on the other side, although antiquity is a gentle prejudice, and hath some authority, though no certainty or infallibility; so I know that novelty is a harder prejudice, and brings along with it no authority, but yet it is not a certain condemnation.

> Quod si tam Graiis novitas invisa fuisset
> Quam nobis, quid nunc esset vetus? aut quid haberet
> Quod legeret tereretque viritim publicus usus[e]?

If our fathers in religion had refused every exposition of Scripture that was new, we should by this time have had nothing old; but in this case what Martial said of friendships, we may say of truths:

> Nec me, quod tibi sum novus, recuses:
> Omnes hoc veteres tui fuerunt.
> Tu tantum inspice, qui novus paratur,
> An possit fieri vetus sodalis[f].

Refuse nothing, only because it is new[g]. For that which pretends to age now, was once in infancy; only see if this

[d] Sen. ep. 64. last words. [e] Horat. lib. ii. ep. 1. 90. [f] Martial. i. 55. 4.
[g] Videat lector epist. 19. Sancti Augustini; quæ est ad Hieronymum. et epist. ad Fortunatum.

new thing be fit to be entertained, and kept till it be old; that is, as the thing is in itself, not as it is in age, so it is to be valued, and so also are the men; for in this, as in all the other, the subject matter will help forward to the choice of a guide.

1. The analogy of faith.

2. The piety of a proposition.

3. The safety of it, and its immunity from sin; these are right measures to guess at an article, but these are more intrinsical, and sometimes so difficult, that they cannot be made use of but by those who can judge of reason, and less need to be conducted by authority. But for these other who are wholly to be led by the power and sentence of their guide, besides what hath been already advised;—

4. The faculty and profession of men is much to be regarded; as that we trust divines in matters proper to their cognizance, and lawyers in their faculty; which advice is to be conducted by these measures:—

When the Authority of Divines is to be preferred, when that of Lawyers.

1. The whole duty of a Christian consists in the laws of faith or religion, of sobriety, and of justice; and it is so great a work, that it is no more than needs, that all the orders of wise and learned men should conduct and minister to it. But some portions of our duty are personal, and some are relative, some are private, and some are public; some are limited by the laws of God only, and some also by the laws of men; some are directed by nature, some by use and experience; and to some of these portions contemplative men can give best assistances, and the men of the world and business can give best help in the other necessities. Now, because divines are therefore, in many degrees, separate from an active life, that they may with leisure attend to the conduct of things spiritual, and are chosen as the ministers of mercy, and the great reconcilers of the world, and therefore are forbidden to intermeddle in questions of blood: and because the affairs of the world, in many instances, are so entangled, so unconducing to the affairs of the spirit, so stubborn, that they are hardly to be managed by a meek person, carried on by so much violence, that they are not to be rescued from being

injurious but by a violence that is greater but more just; and because the interests of men are complicated and difficult, defended by customs, preserved in records, secured by sentences of judges, and yet admit variety by so many accidents, circumstances, and considerations, as will require the attendance of one whole sort of men, and, of all men in the world, divines are the least fit to be employed in such troubles and contracts, such violences and oppositions, and yet they are so necessary, that without them the government of the world would be infinitely disordered, it is requisite that these should be permitted to a distinct profession. In particular matters of justice, ordinarily, and regularly, lawyers are the most competent judges: in matters of religion and sobriety, the office of divines is so wholly or principally employed, that it ought to be chosen for our guide.

2. In matters of justice, which are to be conducted by general rules, theology is the best conductress; and the lawyers' skill is but subservient and ministering. The reason for both is the same, because all the general measures of justice are the laws of God, and therefore cognizable by the ministers of religion; but because these general measures, like a great river into little streams, are deduced into little rivulets and particularities by the laws and customs, by the sentences and agreements of men, therefore they must slip from the hands of the spiritual man to the prudent and secular. The divine can condemn all injustice, murder, incest, injurious dealing; but whether all homicide be murder, all marriage of kindred be incest, or taking that which another man possesses, be injustice,—must be determined by laws, and the learned in them; and though divines may rule all these cases as well as any of the long robe, yet it is by their prudence and skill in law, not by the proper notices of theology.

3. But justice is like a knife, and hath a back and an edge, and there is a letter and a spirit in all laws, and justice itself is to be conducted with piety, and there are modalities, and measures, and manners of doing or suffering in human intercourses, and many things are just which are not necessary, and there are excesses and rigours in justice which are to be moderated, and there are evil and entangling circumstances which make several instances to justle one an-

other; and one must be served first, and another must stay its season; and in paying money there is an 'ordo ad animam,' and justice is to be done for God's sake, and at some times, and in some circumstances for charity's sake; and the law compels to pay him first that requires first; but in conscience, justice is oftentimes to be administered with other measures: so that as prudence sometimes must be called to counsel in the conduct of piety, so must piety oftentimes lead in justice, and justice itself must be sanctified by the word of God and prayer, and will then go on towards heaven, when both robes, like paranymphs attending a virgin in the solemnities of her marriage, helped to lead and to adorn her.

4. Sometimes human laws and Divine stand face to face and oppose each other, not only in the direct sanction (which does not often happen), but very often in the execution. Sometimes obedience to a human law will destroy charity, sometimes justice is against piety, sometimes piety seems less consistent with religion. The church is poor, our parents are necessitous, the fabrics of the houses of prayer are ruinous, and we are not able to make supplies to all these; here what is just, and what is duty,—not the law, but theology will determine. I owe Sempronius a small sum of money; it happens that he comes to demand it when the gatherers of gabels are present to demand an equal sum for taxes; here I am to ask my confessor, not my lawyer, whether of the two must be served, since I cannot pay both: and in this case the ministers of religion are the guards and defensatives of her interest; concerning which, for the present, I only insert this caution; that when religion and justice are in contest, the ministers of religion are not always bound to give sentence on the side of religion, but to consider which is the more necessary, and where the present duty stands; for sometimes it is absolutely necessary to do justice, and actions of particular religion must attend their season. But then even justice turns into religion, and when it does so, theology must conduct her into action.

5. When the question concerns an interest, relative to either faculty, it is hard choosing the authority on either part, for one judges for itself, the other against his adversary; that is, in effect they are both judges in their own cause. It is

notorious in the church of Rome, where the canonists say, that a canon lawyer is to be preferred before a divine in elections to bishoprics; but you must think, the divines say that themselves are far the fitter. The canonists say that predial tithes are due by Divine right. The divines say they are only due by positive constitution. The secret of that is, because most of the divines that write books, are monks and friars, and such which are no friends to parishes, that the pope may be allowed to have power to take tithes from the parish priests, and give them to the monasteries; which he could not do, if by Divine right they were annexed to their proper cures. Amongst us the tables are turned, and the lawyers take the friars' part, and the divines generally affirm the Divine right of tithes. Concerning which it is to be considered, that though the authority of either part is not of itself sufficient to determine a doubting person, and where interest is apparent, the person persuading loses much of his authority, yet the proposition itself ought not to lose any thing. The interest appearing is no more warrant to disbelieve the proposition, than it is to believe it. In this case there is interest on both sides, and, therefore, as to that the case is indifferent. The way to proceed is to consider the proper instruments of persuasion, and because a truth is not the worse for serving his ends that teaches it, I am to attend to his arguments without any prejudice. But if I am not able to judge of the reasons, but must be led by authority, the presumption lies for the divines: I am to believe them rather than the lawyers in such questions, because there is some religion in doing so, and a relation to God, for whose sake it is, that I choose to obey their proposition.

6. Where, by the favour of princes or commonwealths, any matters of justice are reserved to ecclesiastical cognizance, in those affairs the authority of divines is to be preferred before that of lawyers, because the personal capacities of the men being equal in all things, the divines are exercised in the same matters, and, therefore, are both concerned and able, instructed and engaged, and though the lawyers are to be supposed honest, and just, and wise, yet all that also is to be supposed in divines, with some advantages of religion, and tenderness which is bred in them by their perpetual conversation with the things of God. But in all things he

comes the nearest to a sure way of being guided, who does his best and with greatest honesty of heart and simplicity of pious desires to be truly informed. It was well said of Socrates, "An placeant Deo, quæ feci, nescio; hoc certo scio, me sedulo hoc egisse ut placerent:" "The things which I have done, whether they please God or no, I know not; but this I know assuredly, that I did earnestly desire, and diligently take care that they might please him."

If the question be concerning other divisions of men, as of schoolmen and casuists, critics or preachers, the answer can be no other, but that in all faculties relating to any parts of religion, as there are very wise men, and very weak men, so there are some to be preferred in each faculty, if we could find out who they are: but this prelation is relative to the men, not to the faculty, if they were rightly handled. For the several faculties are nothing but the proper portion of matter assigned to the consideration of an order of men, in a proper method: but the great end is the same, only the means of persuading the same truth is different. But in the church of Rome they are made several trades, and have distinct principles, and serve special and disunited ends and interests; and, therefore, which of them is to be preferred, as to the making a probable opinion, is just to be answered, as if we should ask which is best of feathers or wool; they both of them have their excellencies in order to warmth, and yet if you offer to swallow them down, they will infallibly choke you.

RULE XI.

He that hath given Assent to one Part of a probable Opinion, may lawfully depose that Conscience and that Opinion upon Confidence of the Sentence of another.

The curate of St. Martin being sent for to do his last offices to a dying man, finds him speechless, but yet giving signs of his penitence, as beating his breasts, weeping and groaning, holding up his hands, and looking pitifully, and in a penitent posture: the curate having read it disputed whether such a person may be absolved, concerning whose repentance he

can have no other testimony but mute signs, which may be produced by other causes, and finding arguments on both sides, consents to the negative as probable; and yet finding learned persons there who are of another opinion, lays aside the practices of his own opinion, and in compliance with the other, absolves the sick man. One that was present, and understood the whole process, inquires whether he did well or no, as supposing that to do against his own opinion is to do against his conscience; and a man's own conscience "is more to him than ten watchmen that keep a city."

In answer to this, it is to be considered there is a double consent to a proposition, the one is direct, the other a reflex; the first is directly terminated upon the honesty or dishonesty of the object, the other upon the manner of it, and modality. For instance, the curate does not directly consent to that part of the question which he hath chosen, as that which he will finally rely upon, but he consents to it only as a thing that is probable. If he were fully persuaded of the article as a thing certain, or as necessary (though of itself it be not so),—or if he thinks it is not to be altered, then to do against his opinion were to do against his conscience, because the opinion were passed the region of speculation and ineffective notion, and is become a rule and immediate measure of action. But because he believes it only probable, that is, such, in which he is not certain, but may be deceived, and may use liberty,—he may as well choose that part of the probability which derives from the reputation and abilities of other men, as that which proceeds from considerations of those little intrinsic arguments which moved his assent lightly like a breath upon the waters, or the smile of an undiscerning infant. His own opinion is well enough concerning the honesty of the object; but yet he that chooses the other part, may make an honest election; for his own opinion reflecting upon itself, not going beyond the stage of uncertainty and probability, does openly challenge its own right of choosing another part: the conscience is no ways entangled and determined, but so chooses that it may choose again, if she sees cause for it,—a cause in the particular case, which she espied not in the abstracted question.

For he may prudently suppose, that in what he is not certainly persuaded, another may be wiser and know more, and can judge surer: and if he have reason to think so, it

may be a greater reason than that is, by which himself did choose his own opinion and part of the probability; and he may have reason to think meanly of himself, and he may remember sad stories of his frequent deception, and be conscious of his own unaptness to pass an honest unbiassed sentence, and hath no reason to trust himself in matters of proper interest or relation.

This rule hath no other variety in it but that it be managed by these cautions.

1. That the man upon whom we rely, be neither ignorant nor vicious, so far as we can judge, and so far as relates to the present question, that is, that he be a person fit to be a guide of others.

2. That relying on others proceed not out of idleness, and impatience to inquire ourselves.

3. That the opinion of the other be not chosen because it better serves my ends or humour, but upon the preceding grounds of humility and mean opinion of myself, and great opinion of the other.

4. That it be only against his own probable persuasion so known, so considered, not against a sure conscience; that is, that it be in such a matter, in which the assent is but imperfect, and relying upon unsure inducements. For then he may as honestly trust the other's prudence as his own weakness, the other's leisure and consideration, as his own want of time and aptness to consider: and since the actions of most men in the world are conducted by the wit of others in very many things, and of all men in some things, it cannot be imprudence to take a guide to direct the conscience in what it is not sufficiently instructed by its own provisions.

If the intercourse happen between the superior and the inferior, the liberty of changing our part of the probability is confirmed by a want of liberty to dissent. The subject may change his opinion, because he must obey wherever it is possible that he should; and that is in this case: in which it is not only true that the opinion is probable in itself, but that it and its contrary be both apprehended as probably true, and safely practicable. For then there is no excuse to the man, and the conscience of the article cannot be pretended against the conscience of obedience; and if it be lawful to obey, it is necessary to obey. "Hoc amo quod possum qualibet ire

via;" every man loves his liberty, but this liberty does engage our obedience; we might not obey our superior if God had engaged us in the contrary; but we may, when we are persuaded that the contrary opinion is probable, that is, conformable to reason, and fit enough to guide him that is not finally determined in his conscience to the contrary. For if it could be otherwise, then there were nothing to be given to authority; for in equal probabilities, it is likely, if I choose one part, I am determined by a little thing, by a trifle, by a chance, by a humour; and if I be weighed down by never such a trifle, yet I am determined to the choice of one side, and it will be but an evil portion to authority, if it cannot be permitted to outweigh a humour, and a chance; an ignorant confidence, or a vain presumption; and although it will be hard sometimes for a man to be convinced of the vanity of his argument, yet, when his opinion is not only speculatively but practically probable, that is, when it is considered only as probable, and the contrary altogether, or almost as well thought of, the arguments of the present persuasion are confessed to be but little, because they neither persuade, nor abuse beyond a probability; and, therefore, in this case, to outface authority is without pretence, as much as it is without warrant. And this is affirmed by St. Austin [a] in the case of soldiers under a king, taking pay in a cause which either is just, or that they are not sure it is unjust. "Ergo vir justus, si forte etiam sub rege, homine sacrilego, militet, recte potest, illo jubente, bellare, si quod sibi jubetur, vel non esse contra Dei præceptum certum est, vel utrum sit, certum non est."

But if the intercourse happen between a physician and a patient, it is made to differ. For, 1. A physician may not leave a certain way, and take an uncertain in the question of life or health. In matters of mere opinion, the very persuasion and probability of assent is warrant enough for the man, and the effect is innocent; but when so great an interest is engaged, the man becomes faster bound by the stricter ties of charity. It was a complaint that Pliny made of physicians in his time, "Discunt periculis nostris, et experientiam per

[a] Lib. xxii. contra Faustum, cap. 74. et habetur cap. Quid culpatur, 23. qu. 1.

mortes agunt, medicoque tantum occidisse impunitas summa est." It is hard that a physician should grow wiser at no cheaper rate than the deaths of many patients. Now to do the thing directly is intolerable, but to do that which is not our best, and which is not safe, when we have by us that which is safe, and which we know is useful,—is directly against charity, and justice, and prudence, and the faithfulness of a good man.

But 2. When a physician hath no better, he may take that course which is probable, for that is his best; he cannot be required to more, and he is excused, because he is required to minister. And this is yet more certain, if the sick person shall die without physic: but it is a venture whether the medicament may prevail for his cure or no. For then all the hazard is on the favourable side, and if it fails, the event is no worse; and it is charity to offer at a cure that is uncertainly good, but is certainly not evil.

3. When the opinions are on both sides probable, he may take that which is in any sense safer, or in any degree, or by any means more probable, that is, for the community of the opinion, or the advantage it hath by the learning and reputation of them that hold it: so that he may leave his own opinion which is overcome by the greater argument, or the greater authority of another, though both the authority be less than that which binds, and the argument less than that which is certain.

RULE XII.

He that inquires of several Doctors until he find one answering according to his Mind, cannot by that Inquiry make his Conscience safe; but according to the Subject-matter, and other Circumstances, he may.

Saint Paul remarks the folly of such men who "heap up teachers of their own," that is, such who preach what they desire, and declare things lawful which God never made so; and he that hath entertained an opinion, and is in love with it, and will seek out for a kind and an indulgent nurse for it,

cannot ordinarily be the more secure for the opinion of his guide, because the intrinsic motive of his assent is not his guide, but his own purposes and predisposing thoughts and resolutions; and the getting of a learned man to say so, is but an artifice to quiet the spirit, and make it rest in the deception, if it so happens to be. This determination from without may, possibly, add a fantastic peace, but no moment to the honesty of the persuasion or conscience; because the conscience was not ready to rely upon the authority, but resolved to go somewhere else for an authority, if here it could not be had: and therefore the conscience could not be made probable by the authority, because the resolution of the conscience was antecedent to it.

This it true ordinarily and regularly, and there are usually many appendant deceptions; as an impatient desire to have that true which I desire, a willingness to be deceived, a resolution to bring our ends about, a consequent using means of being pleased and cozened, a concealing some circumstances and a false stating of the question, which is an infallible sign of an evil conscience, and a mind resolved upon the conclusion, desirous of a security or sleepy quietness, and incurious of truth. But yet there are some cases in which this changing of guides and inquiries is not only innocent, but an instrument of a just confidence.

1. When the inquirer hath very probable inducements for his opinion, and remains really unsatisfied in the answers and accounts of the first doctors.

2. When he hath an indifferency to any part that may appear true, but it falls out that nothing does seem true to him, but what he hath already entertained.

3. When the assent to our proposition is determined, so as to avoid a real doubt or perplexity, but a scruple remains, that is, some little degrees of confidence are wanting, which cannot be better supplied than by an extrinsical argument, the authority of a wise man.

4. When the inquiring person is under a weakness and temptation, and wants some to apply his own notices to him, and to make them operative and persuasive upon his spirit; as it happens to very many men always, and to all men sometimes.

5. When the case is favourable and apt for pity and relief,

as in the dangers of despair; then the inquirer may, and ought to, go, till he find a person that can speak comfort to him upon true grounds of Scripture and revelation.

6. When the purpose of the inquirer is to be landed upon any virtue, and pious state of life or design, he may receive his encouragement and final determination from him, whom he chooses for his opinion's sake, and conformity to his own pious intentions.

The reason of these exceptions is this: Because the matter being just, favourable, and innocent, the man goes right,—and by being confirmed in his way, receives no detriment to his soul or his duty; and because they are tendencies to duty, it is to be presumed that the inquirer intends honestly and piously: and now since the way is secure, and the person well intending, if the instrument of establishing this good course were very incompetent, it might be an imperfection in nature, but not in morality.

RULE XIII.

He that is asked concerning a Case that is on either side probable, may answer against his own Opinion, if the contrary be probable and more safe, or more expedient and favourable.

THE reason is, because he that holds an opinion which himself believes only to be probable, knows also there is no necessity in counselling it to another than follow it himself, because himself is already determined, which the other is not, but is indifferent.

But why he should rather do so than counsel his opinion, there is no reason in the thing, but something relating to the person inquiring; as if the opinion which he maintains not, be more agreeable with the other circumstances and necessities. Codrus inquires if he be tied to restitution of all the fruits of a field, which he held in a dubious title. The curate thinks it to be a probable opinion, that he is bound; but because Codrus is poor, or apt to break the bridle of religion if it holds him too hard, he may counsel him according to the opinion of them, that affirm that he is not bound to restitution.

If he be asked what his own opinion is, he must not speak contrary to it: but when the question only is asked in order to a resolution, he may point to go that way, where by his own sentence he may be safe, and by reason of the other's necessities, he may be more advantaged. The reason of this is, because when two opinions are equally probable, the scales are turned by piety, or charity, or any good thing that is of collateral regard,—and, therefore, makes a greater degree of artificial probability, and is, in such cases, sufficient for determination. For in direct reason, the case is equal, and in the indirect, there is great advantage on the side of charity, or accidental necessity, or compliance with any fair and just interest. Christian religion is the best natured institution in the world.

The like case it is, when the opinion of the curate is such, that the inquirer will probably abuse it to licentiousness and evil mistake; for then the curate may prudently conceal his own sentence, and borrow his brother's candle to light a person that is in danger.

RULE XIV.

When the Guide of Souls is of a different Opinion from his Charge or Penitent, he is not bound to exact Conformity to his own Opinion that is but probable, but may proceed according to the Conscience of the Penitent.

That is, supposing the opinion of the penitent to be probable, and that he did the action 'bona fide,' and as an act commendable or permitted; he is not to be troubled with what is past, lest that be turned into a scruple which was no sin, and lest the curate judge unrighteous judgment, and prescribe afflictions for that for which God shall never call him to judgment; for in this case it is, that no man can be the judge of another man's conscience.

But if the opinion of the penitent be certainly false, or the parent, or protector, or the occasion of a sin, the guide of his soul must not comply at all with it, but discover the error and the danger. He that kills his brother because he is zealous in another opinion, and thinks he does God good

service, must not be permitted in his erring conscience, and criminal persuasion; for the matter hath altered the case, and in the relations of duty, the error is always vincible, and, therefore, intolerable: and, therefore, Peter Lombard's mother, upon her death-bed, was admonished to confess her sin in having three children by illegal mixtures, though she was foolishly persuaded it was no sin, because her sons did prove to be such excellent persons, and instruments of divine glory.

RULE XV.

The Sentence and Arbitrement of a prudent and good man, though it be of itself but probable, yet is more than a probable Warranty to Actions otherwise undeterminable.

"SICUT vir prudens definierit," is the great measure, which Aristotle and all the moral philosophers assign to very many cases and questions. If two cases, that seem equally probable, have in them different degrees of safety, that the safest is to be chosen is certain; but oftentimes the sentence and opinion of a good man is the only rule by which we judge concerning safety. When piety and religion are in competition for our present attendance, sometimes piety to our parents is to be preferred, sometimes an action of religion in its own season; but what portion of our services is to be allowed to the one and the other, is, "sicut vir prudens definierit," "according as a good and a prudent man shall determine." To bury the dead is good, to relieve the living poor is ordinarily better; but yet there was a time in which there was a proper season for that, and not for this; and our blessed Saviour commended Mary's devotion and choice in so doing; but when we also may do one or the other, depends upon circumstances and accidents, which are not immediately the subject of laws, but of prudent consideration. Human laws bind the conscience of their subjects, but yet give place to just and charitable causes; but which are competent and sufficient is not expressly and minutely declared, but is to be defined by the moderation and prudence of a good man. That we are to be careful in the conduct of our temporal affairs, in paying of our debts, in

making provisions for our children, is certain and confessed: but besides the general measures and limits of carefulness described by our blessed Saviour, our earnestness of prosecution, our acts of provision and labour, are to be esteemed regular or irregular by the sentence of a wise and a good man. The significations of love to our children and nearest relatives, the measures of compliance with the fashions of the world, the degrees of ornament or neglect in clothing, intention of our actions and passions, and their degrees, the use, and necessities, and pretences for omissions in good things, and generally all the accidental appendages of action, are determinable only this way: and a probability is enough to determine us; but that this is the way of introducing the probability is upon this reason; because next to the provision of laws, stands the man who is obedient to laws and understands them, and next to the reason of the law stands the analogy and proportion of these laws; and, therefore, this is the next best to the laws, it stands nearest to reason, is the best guide that is left us, and, therefore, a proper measure of conscience in the destitution of that which is most proper.

There are many other rules concerning the exercise of a probable conscience, in the cases and questions of kings and priests, of advocates and judges, in matters of sacraments and government, which are to be referred to the place of their proper matter; but this is also to be determined by the rules here assigned, and have no particular consideration, except what merely relates to the matter.

CHAPTER V.

OF A DOUBTFUL CONSCIENCE.

RULE I.

A doubtful Conscience assents to neither Side of the Question, and brings no direct Obligation.

The conscience being, in its proper operations, positive and practical; when it is neither, it is not properly and directly

conscience; and because it binds to obedience by its determination and assent, and its consequent inclining the will when the understanding is not determined, nor the will inclined, there can no action follow, but a total suspension of action is its proper consequent.

Upon this there is only a reflex act of conscience and understanding; for by considering that our conscience is doubtful and indeterminable, we are obliged to suspend our action; but then this is the act, not of a doubtful, but of a right conscience, because in this we are certain, and right, and determined: so that a doubtful conscience is but an equivocal and improper conscience; like an unresolved will, or an artist with his hands bound behind him; that is, the man hath a conscience, but it is then in chains and fetters, and he wears a hood upon his eye, and his arm in a string, and is only to be taught how to cut the knot, and to do some little things of advantage, or security to his intermedial state of impediment; but a doubtful conscience can be no rule of human actions.

But yet some collateral and indirect obligations are passed upon the man by that state of infelicity, according to the nature of the doubt.

In order to which, doubts are considered, either as relating to the law, or as relating to matters of fact, viz. whether such a thing be lawful or not? or whether I did such an action or no, by which I am bound to restitution or repentance?

Doubts also are negative or positive, that is, they are still upon us, because there is no means to determine the understanding; as no man can ever be resolved whether the number of the stars be even or odd; when is the precise minute in which a man first comes to the use of reason; and this is called a negative doubt. The positive enters by the indifferency of the arguments, and their equal weight on both sides: as if it be doubted, whether the souls departed enjoy the beatific vision before the day of judgment? whether residence on a benefice be an indispensable precept, or in what cases it obliges not? whether ecclesiastical persons be bound, by justice or by charity, to give all that they can prudently spare, to the poor? These are positive doubts, because there are many arguments on either side.

The negative doubt is either metaphysical or moral, or it is only a suspicion; that is, there are several degrees of such a doubt, for the determination of which there is no sufficient instrument.

Lastly, sometimes a doubt is placed only in the understanding, without any other effect but the trouble of thoughts; and then for method's sake, and right understanding of the rules of practice, it is called a speculative doubt. Sometimes this doubt passes on to the conscience, and hath influence upon the action or event; so as to be an impediment to it, or the spoil of it, that is, so as to cause that it shall not be done, or, if it be done, that it becomes a sin: and this is called a practical doubt.

According to these distinctions, the following rules are useful in order to practice.

RULE II.

A negative Doubt neither binds to Action, nor Inquiry, nor Repentance; but it binds only to Caution and Observance.

1. "THAT it binds not to action," I affirm upon the same ground, by which the same is affirmed concerning all doubting consciences. It binds from action; for whatsoever is done with a doubting conscience (that is, without faith, or fulness of persuasion that it is lawful to do it), is a sin. St. Paul gave us the rule, "Whatsoever is not of faith, is sin[a]." "Quod dubitas, nè feceris," said Cicero[b]. For if we do it with a doubting conscience, we do it without our rule, which is the dictate of our conscience; and since no action is indifferent between lawful and unlawful (though between good and bad there may), to do without our rule of lawful and permitted is to do against it, even that which is not permitted, and therefore is unlawful. Add to this,

(2.) He that does not know whether it be lawful or no, does that which he is not sure but it may be forbidden by God, and displeasing to him: and to do that which I know

[a] Rom. xiv. 23.

[b] Bp. Taylor alludes, perhaps, to the following passage: "bene præcipiunt, qui vetant quidquam agere, *quod dubites*, æquum sit, an iniquum:" De Offic. i. c. 9. § 2. Heusinger, p. 76. (I. R. P.)

not but may grieve my friend, or trouble him, cannot consent with my love to him; and, therefore, every act of a doubting conscience is against charity. In the question of lawful or unlawful, not to know it to be lawful, is to enter upon it with a mind willing to admit the unlawful; it is all one to be in the dark, as to be without a candle or a star, and either of them is as bad, as full of ignorance and obscurity, as if we shut our eyes, or put the candle out. When, therefore, it happens that our conscience doubts whether such an act be a sin or no, a good man will be sure not to sin; but in that case, and while the doubt remains, he can have no security, but by not doing it.

2. "It binds not to inquiry," because there is no competent means to find out a resolution; for that is the state of the question, that is the definition of a negative doubt. Fabiola doubts whether in her childhood she did ever take God's name in vain; and although she be bound to inquire in all the reasonable and remembered parts of her life, because of them she may find some records, and in that case the doubt is not negative; yet of the state of childhood she cannot be obliged to make inquiry, because there was then no law, no register, no court kept, no judgment, no choice; that is, she cannot be obliged to an effect that is impossible, and to an act that is to no purpose.

3. "It binds not to repentance:" In case she fears exceedingly, supposing this still to be a negative doubt, that is, such a one, for the proper resolution of which there are no competent arguments or instruments. Fabiola not knowing whether she did or no, and it being impossible afterwards to find it out, Fabiola is not tied to ask forgiveness for the blasphemies of her childhood: for no obligation can come from what is not, or cannot be, known.

This is to be understood to be true of that sort of negative doubt which is called metaphysical, when there is no possibility of knowing; as it is impossible to know what little pretty fantasm made us to smile when we hanged upon our mothers' breasts; and the doubt is only founded upon the possibility that the thing might have been, though now it be impossible to find out whether it was or no. It is possible that being a child I might laugh at Scripture, or mock an apostle; but if this could bring an obligation to an act of

repentance, then the same obligation passes upon all men in all actions and periods of their lives, for all things, and in all cases in which they do not remember all, or did not observe every circumstance, or did not consider every minute, or weigh every degree. For in every thing there is a possibility, that I might have done something very ill.

But there is a negative doubt which is called morally negative; that is, when there is no way of being readily and clearly determined, but yet the doubt is founded upon some light conjecture, and no more. I was tempted,—or I had an opportunity,—or an evil thought came cross me,—and I know my own infirmity; and this, according to the degrees of the conjecture, can oblige us to a general and conditional repentance; thus, if I did amiss, God of his mercy impute it not unto me. "I know not, my conscience does not accuse me," so St. Paul, "but I am not hereby justified; God is greater than my conscience." By this, set the words of St. John, and they will determine the case: "If our hearts condemn us not, then have we peace towards God;" that is, the doubt in this matter ought to be laid down, if our hearts do not pass sentence against us; but not so wholly but that we may provide against a danger not actually felt: we ought to be peaceful, but not too confident, when there is any probability of error and deception. The peace is warranted by St. John; the wariness is exemplified in St. Paul.

4. "It doth bind to caution and observance." Every thing does so, where either there is a danger, or any is suspected, or any is possible, or any ever was: and therefore, for this there needs no peculiar reason, only according to the approach of the negative doubt to any degrees of its being positive; that is, to a probability that it is as we doubt, the observance ought to be stricter, and the caution more severe, which happens in that imperfect kind of imperfection, in suspicion, which is but the image of doubting.

For there is yet another sort of doubting, which may be called a privative doubt. Titius is invited to eat with one of another communion. First he checks at it, but because he knows no reason against it, nor indeed did ever dispute, or hear the question disputed, whether it be lawful or no, he goes. The question is, whether he did well or no?

Concerning which the case is evident, that whatsoever is

not of faith is sin, that is, if it be not done with a persuasion that it is lawful. But if a man be persuaded that he may lawfully do any thing against which he knows no law, no commandment, no reason; this is not a doubting conscience, but a probable, and, therefore, need not to abate the action. But if this also turn into a doubt, the case is altered. For he that thinks he may not do it, or doubts whether he may or no do a thing for which he hath no command, or no positive and affirmative warrant, and that it is no sufficient reason or warrant for the doing it that he knows nothing against it, unless he also have something for it;—this man, thus persuaded or abused, may not proceed to action. For in this case he hath nothing for it, and one great thing against it, even this proposition,—that a thing is not to be done in such a case,—which is the case of a privative doubt. But for the thing itself, the next rule gives an account of it.

RULE III.

A privative Doubt cannot of itself hinder a Man from acting what he is moved to by an extrinsic Argument, or Inducement that is in itself prudent or innocent.

1. "It cannot of itself hinder," that is, abstracting from the circumstance of accidental doubting or not doubting. The reason is, because there being no law against it by which he is actually ruled, and no reason appearing in defiance of it, that is, there being no intrinsical dissuasive, the conscience is only left to be conducted or persuaded by the extrinsical.

For all actions are left indifferent, till, by a superinduced law, they are restrained; which superinduced law wants its publication, if inculpably I have no notice of it in my conscience. But this is to be allowed with this caution: That this entering upon actions, against which we know no reason or law, be not sudden, and violent, and careless, like the rushing of a horse into a battle without consideration; but that we consider according to our strength, and to our time, whether there be any reasons for or against the act in question, and if we find none, let us make none; that is, let

us not, by our unreasonable and impertinent doubting, place a snare for our own feet there, where none is placed by the prohibition.

2. If it be a matter that concerns the interest of another, let us always be the more wary, and remember, if there be nothing against it, there must be something for it either in the matter, or in the manner, either in justice, or in charity, or at least by the securities of the safer part, by which, if we find no reward, yet we are sure to find indemnity.

This whole advice is of great use in the circumstances of the duty that concerns the married pairs; in which the doctors of cases of conscience have spoken what they please, and in many things wholly by chance or fancy; and the holy state of marriage ought to be rescued from many of their snares and intricacies by which they have troubled it, as will appear when I shall speak to the rules of that affair.

RULE IV.

In Doubts of Right, or Law, we are always bound to inquire; but in Doubts of Fact not always.

The reason is, because ignorance of our duty is always a sin; and, therefore, when we are in a perceived, discernible state of danger, he that refuses to inquire after his duty, does not desire to do it.

In matters of fact we are bound ordinarily to inquire, because we must not be ignorant of the state of our consciences, and what obligation there is to restitution, or repentance,—which the more particular it is, the more perfect it is. But this I say, that though ordinarily it be true that we are obliged, yet in some cases it may happen, that it is safer to trust the event of things with a general repentance, than that the conscience of some men be tempted with a particular notice of the fact.

1. This happens in those that are weak-hearted, soft, and apt to every impression in too deep a regard. A Castilian gentleman being new recovered from the sad effects of a melancholy spirit, and an affrighting conscience, and being

entertained by some that waited on him with sports and innocent pastimes to divert his scaring thoughts; he with his company shot many arrows in a public field at rovers: at that time there was a man killed, whether by his arrows or no, he knew not, and is forbidden to inquire; and his case had in it reason enough to warrant the advice. The knowledge of it could not have done him so much good, as it would have done him hurt; and it was better he should be permitted to a doubting than to a despairing conscience, as in his case it was too likely to have happened. It is better to be suspected than to be seen.

2. This also is so to be advised, when the inquiry into the doubt of fact may be prejudicial to a third person. A priest going to the West Indies, by misfortune wounds one of his company, whom, with much trouble and sorrow, he leaves to be cured of his hurt, but passes on to his voyage, which he finished at a huge distance from the place of his misfortune. The merchants come the next year that way, and he is unwilling to inquire concerning his sick friend; desirous he was to know good of him, but infinitely fearful lest he be dead: consulting, therefore, with his superior in the case, was directed not to inquire, upon this account; because, if the man were dead, the priest would be irregular, and a whole parish unprovided for, and left without rites and sacraments, and public offices, which then and there could not easily be supplied.

But in matters of right or duty, inquiry must be made, ever, when the question is of the lawfulness or unlawfulness of what is to be done; because we enter upon danger, and despise our own safety, and are careless of our duty, and not zealous for God, nor yet subjects of conscience, or of the Spirit of God, if we do not well inquire of an action we are to do, whether it be good or bad. But when the act is done, and done with an actual persuasion that it was lawful, the conscience of that person is not easily to be disturbed, which is to be understood with these cautions:

1. When the question was probable on either side, and, at the time of action, was chosen with its just measures and provisions; then, although the complice or partner of the act do change his opinion, and think himself bound to repent, yet he is not bound to trouble the other. Antony, a gentle-

man of Parma, being in love with Maria de Rupe, being moved with great interests of his person, and a great necessity, consummates his marriage before publication, they both of them being persuaded that it is lawful. He afterwards changes his opinion, thinks it a sin, and repents and begs pardon; but being also in doubt whether he ought to tell his wife of it, was advised to the contrary, upon this, amongst many other concurrent reasons, because what was innocently done, cannot be condemned in that in which it was innocent: for the man himself ought to be sorrowful for his being deceived (if he thinks he was), but he cannot be tied to repent of the act, which, supposing his then present persuasion, was lawful, because done according to a probable conscience: and, therefore, much less ought he to disturb the peace of his wife, whose persuasion remains the same as at first. What was not a sin at first, cannot, in that individual act, become a sin afterwards.

2. This is also to be understood, when the act leaves no evil effect, or hath done no hurt to a third person; but if it do, then my peace is not to be bought at the expense of another's evil. No man is to be made better or left so, by another's detriment; and, therefore, if a child were begotten in that unripe and hasty consummation, and that child should be declared bastard, then the peace is to be disturbed, and the inquiry on all hands to be curious and busy, because in all such cases there is something of duty for the future concerned in it; sometimes restitution, but always repentance in particular.

3. This is also true when the fact that is past, is not introductive of more and new instances; for if it was the wrong side of the probability which was chosen, and the same kind of action is to return often,—there the conscience, though heartily persuaded, must be awakened from its security by him that believes it to be a sin that was done, and then the interested party must inquire: the reason of this is, because this concerns the future, and all the world when they enter upon action, must inquire anew, when they have reason to doubt anew, and they may be called upon, and must be better informed by them, that can and are concerned. For the honour of God and the interest of his service is in this case concerned, which in the other is not,

when it only relates to a single and a past action, which was then lawful, and, therefore, will not afterwards be imputed.

4. When the person interested does of himself doubt, whether the past act was lawful or not, and desires to be satisfied, and that there will be no evil effect in the alteration of his persuasion, then it is fit he be complied with in that, which he judges to be for the interest of his soul, for this is certainly the better; the other way of concealing and not inquiring being only permitted in some cases, and with so many cautions and reservations as are before expressed.

RULE V.

In Doubts the safer Part is to be chosen.

When the conscience is doubtful, neither part can be chosen till the doubt be laid down; but to choose the safer part is an extrinsical means instrumental to the deposition of the doubt, and changing the conscience from doubtful to probable. This rule, therefore, does properly belong to the probable conscience: for that the conscience is positively doubtful is but accidental to the question and appendant to the person. For the reasons on either side make the conscience probable, unless fear, or some other accident, make the man not able to rest on either side. For in matters of conscience, it is as hard to find a case so equally probable that a man shall find nothing without or within to determine him, as it is to find that which the philosophers call 'temperamentum ad pondus,' 'a constitution so equal that no part shall excel the other.' For if there were nothing in the things to distinguish them, yet in the man there is a natural propensity, which will make him love one sort of arguments more than another. What can be more indifferent than to see two dogs fight? and yet no man sees their cruelty, but he wishes better to one than to another: and although no opinions are so very even, yet if they were, the man hath an acquisite, or else a natural bias, or something of contingency that will determine him: and if the conscience remains undetermined, so that he may not, or dare not, venture upon

either part, it is certainly a disease, or a direct infirmity. And because such persons can do nothing at all, till their doubtful is changed into a probable conscience, this discourse must relate to that conscience that is probable, though, in compliance with the usual ways of speaking, I have placed it here.

1. The rule, therefore, is to be understood to be good advice, but not necessary in all cases. For when the contrary opinion is the more probable, and this the more safe, to do this is a prudent compliance, either with a timorous or with an ignorant conscience; it is always an effect of piety, and a strong will to good, but very often an effect of a weak understanding; that is, such an one which is inclined to scruple, and dares not trust the truth of his proposition, or God with his soul in the pursuance of it. And, indeed, sometimes there is in this some little suspicion of the event of things, which must needs reflect upon the goodness of God, under whom we fancy we cannot be so safe by pursuing that rule and guide that he hath given us, that is, the best reason, and the fairest inducement, as we may be by relying upon the sureness of the matter. Indeed, we ourselves are so wholly immerged in matter that we are conducted by it, and its relations, in very many things: but we may as well rely upon formalities and spiritual securities (if we understood them) as upon the material; and it is as safe to rely upon the surer side of reason as upon the surer side of the thing. Now that which is the more probable, hath the same advantage in constituting a conscience formally safe, as the other less probable but surer side hath for the making the conscience safe materially.

2. If the conscience be probable, and so evenly weighed that the determination on either side is difficult, then the safer side is ordinarily to be chosen, because that helps to outweigh and determine the scale; that is, when reason and the proper motives of the question are not sufficient to determine it, let auxiliaries be taken from without; and if the conscience be not made securer by its rule, let it be made safe by the material. It is just as the building of a house. If the architect be not wise and knowing how to secure the fabric by rules of art, and advantages of complication, and the contexture of parts, let him support it with pillars great

and massy; for if the other be wanting, these will sustain the roof sure enough, but with some rudeness in the thing, and imperfection in the whole.

3. If to that, which is the surer side, there be a great inconvenience consequent, the avoiding of that inconvenience, being laid on the opposite even part, will outweigh the consideration of the safety. Quintus Milo commands his servant Aufidius, whom he had taken for the teaching grammar and rhetoric to his children, that he would learn the trade of a shoemaker. Aufidius doubts whether his master, Quintus Milo, hath power to command him to do that which was no part of the employment for which he was entertained, and yet because the thing is of itself lawful and honest, he considers it is the safest course for him to obey, for, certainly, in so doing he sins not; and thus far he is bound, and was in the right. But if to learn that mean trade will dishonour and disable him, make him a fool and contemptible, and ruin his hopes and his interests when he leaves the service of Milo, the servant is not tied to follow that which is more safe, but that which is more charitable and prudent: "In dubiis juris tutior pars sequenda est, et obedire teneor, si commode possim," was the rule: because the reason, abstractedly considered, makes the question safe on either side, as the determination happens; and the avoiding an intolerable inconvenience is as considerable as the accidental security, and in many cases more complying with charity; because in a question, in which the conscience is probable, there is a great safety without taking in the advantage of a safe matter, by the proper efficacy and influence of the reason making a probable and an honest conscience; but then when the safety is provided for fairly otherways, and for the most part sufficiently, and the inconvenience on the other side is not provided for; in all such cases we must leave that, which is materially sure, for the choice of that, which, in its formality, is equally sure, and, in its matter, more charitable. A little child came to my door for alms, of whom I was told he was run from his mother's house, and his own honest employment; but in his wandering he was almost starved: I found that, if I relieved him, he would return to his mother; if I did not relieve him, he would not be able. I considered, that indeed his soul's interest were

more to be regarded and secured than his body, and his sin rather to be prevented than his sickness, and, therefore, not to relieve him seemed at first the greater charity. But when I weighed against these considerations, that his sin is uncertain, and future, and arbitrary, but his need is certain, and present, and natural; that he may choose whether he will sin or no, but cannot, in the present case, choose whether he will perish or no; that if he be not relieved, he dies in his sin, but many things may intervene to reform his vicious inclination; that the natural necessity is extreme, but that he will sin is no way necessary, and hath in it no degrees of unavoidable necessity; and above all, that if he abuses my relief to evil purposes, which I intended not, it is his fault; not mine, but the question being concerning my duty, not his, and that to relieve him is my duty, and not his, and that, therefore, if I do not relieve him, the sin is also mine, and not his; and that, by bidding of him to do his duty, I acquit myself on one side, but by bidding him to be warm and fed, I cannot be acquitted on the other; I took that side, which was at least equally sure, and certainly more charitable.

This also happens in the matter of justice very often. It is the surer side in many cases to restore, and is a testimony of an honest mind, that, to secure its eternal interest, will quit the temporal. But if to restore will undo a man, and the case is indifferent, or at least probable that he is not bound, then it is not necessary to restore, though to restore be the surer side; and if the interest of a third person, as of wife, or children, be also involved in the question, then the inquiring person is bound not to restore. Because in the present case there is a certain uncharitableness, and but an uncertain justice, that is, a duty certainly omitted, for the securing of another that is not certain.

4. When the more probable is also the more safe, there is no question but the safer is to be chosen. For so the conscience is made the more sure both materially and formally; that is, by the better reason, and the more advantageous matter; and he that does otherwise, exposes himself to an evident danger of sinning, having nothing to outbalance either the direct reason, or the accidental safety.

5. Sometimes it happens, that what is safe in one regard

is dangerous in another, and on each side of the probability there is a danger and a safety. Vittoria Columbina, a Venetian lady, was married to five magnificoes successively; and they all being dead, and she left very rich, young, and tempted to a sixth marriage, advises with her confessor whether or no she may lawfully do it? He tells her, that it is not only probable, but certain that she may; but it were better if she kept her widowhood, and after so much sense of mortality, retire to religion. But that he may determine her case with more certainty, she tells him, she had once resolved with herself to live a widow, but finds she shall not be free from temptation in that state, and desires him to tell her if she may lawfully marry notwithstanding that resolution, which now to be something altered, he perceives by her question. He answers, that it is the surest course to determine for chastity and abstinence, her state of widowhood being more certainly pleasing than the other. But then she hints her temptation, and asks, if some sure course is not to be taken for her being secured in that point too? This arrests his thoughts upon a new consideration, but the result is this:

1. When there are two securities to be provided for, one of the thing, and the other of the person; that of the person is first to be provided for. It is the safer part of the question to determine on the side of chastity, or virginity, or widowhood; but this may be the unsafer side to the person, who, if he suffers temptation, is to be provided for by that answer which gives him remedy and ease.

2. But if it happens that there is danger on either side to the person, that is the surer side which provides against that temptation, which is strongest and most imminent, and which, if it prevails, is of the worst consequence.

3. This is also to be understood in those cases when temporal life is offered in question against the danger of a sin. Michael Verinus, a young gentleman of Spain, by reason of his living a single life, was pressed with so great inconvenience, that he fell into a lingering and dangerous sickness. The physicians advise him to use his remedy, though he be not married, and being it was in order to his health, which was not else to be recovered, they presumed it

lawful, or did not care whether it were or no; but, however, they advise him to it. He doubts of it, and dares not be uncharitable and die for want of remedy, if he might have it, and yet dares not commit an act of uncleanness; but finding on either hand a sin threatening him, and if he flies from a lion, he meets a bear,—or is told that a bear is in the way: he at last flies from the evil beast that stood before him, and chooses that way which was evidently the safest, not to his health, but to his salvation; not to his body, but his soul; and chose rather to die, than to do that which he was certainly persuaded to be a sin, and of the other he was not so sure.

Sola Venus potuit lento succurrere morbo:
Ne se pollueret, maluit ille mori.

In other things, the prudence of a guide must be his only rule.

The sum is this:

1. If the doubt be equal and the danger equal, the doubt must be laid aside, or there can be no action consequent: and for the danger, if you choose one, you may choose either, for there is no difference; a dagger or a sword is all one to him that must die by one.

2. If the doubt be unequal and the danger equal, the resolution must be on that side, where there is the most confidence; that is, where the less cause of doubting is apprehended, as if I have but enough to give one alms, and I see two ready to perish, and I can relieve but one; the danger is equal, for "pasce fame morientem; si non pavisti, occidisti," said St. Ambrose; but one is my friend, and the other is a stranger; in this case the doubt is unequal, and I ought to prefer my friend.

3. If the danger be unequal, and the doubt equal, the resolution must be made in compliance with our safety. For there is nothing to weigh down in the doubt, yet there is something to weigh down in the danger, and that is sufficient.

4. If the doubt be unequal, and the danger unequal, there we must take the least danger, though on the least side of the probability, because there can no degree of sin be consented to; and, therefore, when by our own fault or infelicity we must be forced to fall upon one, we must take

the less, by the same reason for which we are to refuse all that we can. Mævius Caligarius, a Roman gentleman, and newly converted to Christianity, observes that his friend Agricola was pursued by his enemies unto death, and was by them asked concerning him, whether he were in his house or no. He knew he was, but knows also that if he confesses it, he shall die. He doubts whether it be lawful to lie to save his friend's life or no, and cannot resolve whether it be or no, but inclines rather to think it is not lawful. But he considers if it be lawful, then he is guilty of his friend's death, who refused to save him at an innocent charge. But if it be not lawful, he does but tell an officious lie, so long as the doubt remains, he must rather venture upon an uncertain sin in the officious lie, than the uncertain but greater sin of homicide. These are the cases in which the danger is on both sides.

5. But if there be danger on one side only, and a doubt on both sides, there is no question but that side is to be chosen, where there is no danger; unless the doubt on one side be contemptible and inconsiderable, and the other not so.

RULE VI.

It is lawful for the Conscience to proceed to Action against a Doubt that is merely speculative.

In a sure conscience the speculative and the practical are the same in certain consequence, as I have already[a] proved in its own place; but in a doubting conscience the case is differing. For though it be ordinarily true here also, that he that doubts speculatively, does also doubt practically; as if he doubts concerning all usurious contracts, whether it be lawful or no to use any, he doubts all concerning this which himself uses, if it be usurious. But because there may intervene a special case, and that which is true in general may be altered in the particular, it may happen that he may be certain and determined in the particular when he is not

[a] Chap. 2. rule 3.

so in the general; that is, when the case is special, by privilege, or exemption, or the ceasing of the reason, or by any other special case he may think himself acquitted, when yet the action is culpable in its whole kind.

But by a speculative doubt sometimes is meant not the general, but the question abstracted from circumstances; and in this it sometimes happens, that though the conscience doubt concerning the question, yet it does not doubt concerning the practice. Titius is possessed of a field on which he entered by inheritance, and wholly without fraud and violence; but yet upon some supervening notices he afterwards doubts, whether the field be his own by a just title; but because he is informed by his confessor and others on whom he does and may rely, that possession is a collateral title, and that what he so possesses, he may still dwell upon, till it be certain that it is not his own; he rests at quiet in his mind, because possession is stronger than his doubt, though it cannot prevail against demonstration.

Mary of Rheims, the wife of a soldier, is told by his captain that her husband was killed at the battle of Pavia; after her year of mourning was expired she marries again to a citizen of Rheims, and cohabits with him two years; after which she is told that her first husband escaped to Tarentum, and there lives in obscurity. Upon this she doubts whether the citizen be really her husband or no; yet living with him he demands her to pay her conjugal duty, she inquires whether during this doubt she may or no; and is answered affirmatively upon the same grounds: the citizen is in possession of the marriage, and this is not to be disturbed by a doubt, but by a certainty, especially since the doubt is but a speculative doubt, not a practical. For it is no good argument to say, I doubt whether this man be my husband or no, therefore if I consent to him, I commit adultery; for the presumption lying upon the possessor, though his title be dubious, yet his possession is not, and either of them both are to have a portion in the effect, and therefore the certain possession in a dubious title is to be preferred before a dubious title without possession, and therefore this kind of doubt ought not to hinder the effect of the present duty. For in this case it is not true; the antecedent is doubtful, therefore so is the consequent. For

as out of falsehood truth may come, so out of doubts may come certainty. I see a great way off father Grimaldi moving his lips; I suppose he is disputing, whom yet I was told not to be alive. I argue thus: 'He disputes, therefore he is not dead.' The consequent is certain, but the antecedent doubtful; so it is in the present case. I doubt whether this woman be and ought to be my wife, but because she is legally so and so reputed and in possession, I do infer that therefore I must pay my duty to her, till it be certain that she is not my wife. For though I doubt of the person whether or no she be my wife,—yet I am certain, or I may be certain of this, that he that approaches to her who is in possession of marriage, may do it lawfully; he only does fornicate who approaches to her, of whom I am certain, that she is not my wife. But if of this proposition also I doubt, the doubt is practical,—and I may not do it, till by some means the doubt be resolved or laid aside. But so long as it is a question speculative, the action may be determinate and lawful, and introduced upon many accounts.

For the fuller manifestation of which secret, because it is of great concernment, and hath influence upon the conscience in many great actions and intercourse of human society, it is remarkable that we cannot argue thus; this man is not 'bonæ fidei possessor,' a possessor by a just faith, therefore he possesses it 'mala fide,' by an unjust: so neither does this follow,—this man possesses it not with an evil faith, therefore he possesses it with a good faith. It does neither way follow negatively. But this consequence is good; he is a possessor by a good faith, therefore he does not possess it by an evil. Or, he is a possessor by an evil faith, therefore he does not possess it by a good; it follows either way affirmatively. The reason of the difference is this; if it be good, it cannot be bad,—and if it be bad, it cannot be good; if it be one, it cannot be the other; but it may happen that it may be neither good nor bad, for there is a medium or a third between good and bad faith or honesty of possession; and this consists in a speculative doubt, by which the possessor doubts whether that which is in his hands, be in his right, or belongs to him or to another; and that he who so

doubts, hath neither good nor bad faith, is expressed by the gloss [b].

The consequent of which is this, that because that he who so doubts, is not "bonæ fidei possessor," therefore he cannot from thence begin to prescribe or to acquire a just title, because of the rule of the law, "Quod ab initio non valuit, progressu temporis valere non debet;" and it cannot by time get strength to walk, which enters into the world without feet; now the doubting conscience is but a lame supporter. But yet because such a conscience, which only hath this speculative doubt, is not "malæ fidei possessor,"—therefore he may lawfully still retain the possession, till the contrary be evicted.

There is this only to be added, that although prescription or other ways of just title cannot begin with a doubting conscience, yet if it entered with a thoroughly persuaded conscience, it may go on, though it be disquieted by a supervening doubt. The reason is, because it having lawful parents of its birth and first production, cannot be killed and destroyed by a suit at law; it began well, and therefore had just principles of its progression; and whatsoever hath the first advantage of just and reasonable, is always to be so presumed till the contrary be proved; a doubt, therefore, may make the man unquiet, and tie him to inquire, but cannot interrupt the possession or the beginning and growing title. Besides the reason, this sentence is confirmed by the concurring testimonies of Bartolus, Imola, Sylvester, Felinus, Balbus, and Johannes Hannibal, under their titles, "de præscriptionibus et usucaptionibus."

There are some accidental hardnesses to the conscience which are innocent, and because, besides the even measures of good and evil by lawful and unlawful, there are some paths chalked out to us by necessities, by conveniences, by presumptions, by securities, and other indefinite aims at things, which can sometimes weigh down the best of our imperfect conjectures in some obscure cases, we may as well walk by the light of the stars, and better too, than to walk

[b] In lib. i. C. de acq. poss. gl. in lib. ii. ff. pro solut. et gl. in lib. iii. sect. generaliter ff. de acq. poss.

quite in the dark: and not only the sun is appointed to rule the day, but there are the moon and the stars to govern the night: plain and easy rules make a sure conscience, but the doubtful and the dark must be content with a less light.

For, unlearned men are oftentimes beset with the arguments of a talking man, which they cannot answer, but create a speculative doubt, and such as destroys all the certainty of evidence which they had; but if they should not stick to their own conclusion in despite of all the objections, by a certainty of adhesion, they might be disturbed in every thing, and confident in nothing, and might, if they met with a heretic, be fooled out of their religion, and quit the most material parts of their belief. And even the learned have, in many articles, a presumptive assent to their propositions; and if they be made to doubt in their understanding by the opposition of an adversary, they are not instantly to change their practice, but to inquire further. For if after every such doubting, their practice must be insecure or criminal, they might be forced to a lightness greater than that of Egyptian priests: and some men can believe well and dispute ill, but yet their faith must not change at the argument of every sophister. In these cases the practice is made secure by a collateral light, and he is defended from change by reputation and custom, by fear of scandal and the tie of laws, and by many other indirect instruments of determination, which although they cannot outwit the contrary arguments, yet they ought to outweigh the doubt, and guide the will, and rule the conscience in such cases.

There is nothing but a weak man may doubt of; but if he be well, he must not change his foot, till it be made certain to him that he is deceived; let him consider what he please, and determine at leisure; let him be swift to hear, but slow to speak, and slower yet in declaring, by his action and changed course, that his doubt hath prevailed upon him. I knew a scholar once, who was a man of a quick apprehension, and easy to receive an objection; who when he read the Roman doctors, was very much of their opinion, and as much against them when he read their adversaries, but kept himself to the religion of his country, concerning which at all times he remembered that there were rare arguments and answers respectively, though he could not then think upon

them. There are temptations of faith and opinion, and they are to be resisted sometimes by indirect ways of proceeding, and artifices of the spirit; and sometimes men in sickness are afflicted with doubting and trembling consciences, but yet are supported only with general remembrances; they consider that there are comforts, and excellent promises, and instruments of hope, and wise and holy sayings by which they were nursed up to that height of strength, that they are now able to fight in the dark: if the speculative doubting conscience should always prevail in practice, the ignorant might be abused and miserable in all things, and the learned in most.

RULE VII.

Every Dictate and Judgment of the Conscience, though it be little and less material, is sufficient and may be made use of for the Deposition of a Doubt.

Every little reason is not sufficient to guide the will, or to make an honest or a probable conscience, as I have proved in the foregoing chapter[a]; but in a doubting conscience, that is, where there are seemingly great reasons of either side, and the conscience not able to determine between them, but hangs like a needle between two loadstones, and can go to neither, because it equally inclines to both; there it is, that any little dictate, that can come on one side and turn the scale, is to be admitted to counsel and to action; for a doubt is a disease in conscience, like an irresolution in action, and is therefore to be removed at any just rate, and any excuse taken rather than have it permitted. For even to wash in Jordan may cure a leprosy, and a glass of wine may ease the infirmities of the stomach; and he is too ceremonious in the matter of life and death, that stands upon punctilios with nature, and will not be cured but by rich medicines. For in a doubting conscience the immediate cure is not to choose right, that is the remedy in an erring conscience; but when the disease or evil is doubting or suspension, the remedy is determination; and to effect this, whatsoever is sufficient may be chosen and used.

[a] Rule 7.

Every conscience that proceeds probably, proceeds honestly, unless by a greater probability it be engaged against the less; now to make a conscience that is probable, yet even more probable, a little advantage is sufficient; which is to be understood with these cautions:

1. When the doubt is equal and the danger alike on either side, then a smaller superfetation of argument will do the work, that is, cure the doubting; for though a little argument is not alone a ground for the action of a wise man, yet a little overplus of reason will take off this calamity of irresolution and trepidation; it is not enough to outweigh any danger, but it can, with the portion of the equal measures which stand on its own side, by its little weight cast the balance.

2. This is not so easily to be admitted when the judgment of the man is discernibly and perceivably little and not to be trusted, for then the superaddition that is made by him to any part of the doubt, may be as wholly inconsiderable as the doubt itself is troublesome; and though this may make the doubt to be laid aside, as it will also determine such a man in the whole traverse of the question, yet it is the worst remedy of the doubt, and an insufficient introduction of the probability. In this case the doubt is to be laid aside by the advice and authority of some person fit to lead him, rather than by the confidence of his own little superadded impertinency. For indeed it is not good to have the sacredness of a conscience governed by weakness and contingency.

3. When the doubting person is inconstant, let him not speedily act what he lightly determines by the sudden intervening humour; for he that changes quickly, judges lightly, but fancies strongly, and acts passionately, and repents speedily and often; therefore let such a man when he perceives his own infirmity stop at the gates of action, lest the laying down one doubt multiply many, and he become more miserable in his remedy than in his sickness.

In pursuance of this rule it is to be taken care of, that fear be not mistaken for doubt; for there is oftentimes a doubt nowhere but in the will, and the more slender and weak the judgment is, oftentimes the fear is greater; and sometimes they fear because they fear, and not because they

have reason; when therefore the doubt does not rely upon such a reason as can be formed into an argument and discourse, but is an unreasonable trouble, and an infinite nothing; the doubt ought directly to be laid aside, for it is no way considerable, but only that it is a considerable trouble.

RULE VIII.

When two Precepts contrary to each other meet together about the same Question, that is to be preferred which binds most.

This rule we learn from the eighth council of Toledo[a]; "Ubi periculi necessitas compulerit, id debemus resolvere, quod minori nexu noscitur obligari. Quid autem ex his levius, quidve sit gravius, pietatis acumine investigemus." The council instances in the keeping wicked oaths and promises; where though the instance be mistaken, and that in the matter of wicked promises the case is not perplexed, and it is no sin to break them, but a sin to keep them; yet upon supposition that the conscience is doubtful whether it be lawful to break them, and whether it be lawful to keep them, and fears a sin on either side, the council hath given a right answer; the evil that is least, is to be chosen. "Etenim dum perjurare compellimur, creatorem quidem offendimus, sed nos tantummodo maculamus. Cum vero noxia promissa complemus, et Dei jussa superbe contemnimus, et proximis impia crudelitate nocemus, et nos ipsos crudeliori gladio trucidamus:" "He that having sworn to do an evil turn, breaks his oath, offends God by putting his name to a lie and a villany, and he pollutes his own soul: but he that keeps his oath when he hath so sworn, despises the commandments of God, and hurts his neighbour with an impious cruelty, and destroys himself with a worse." On this side, therefore, there being the more and worse evils than on the other, we must decline furthest from this. For if all evil is to be avoided, then all degrees of evil are; and when we cannot avoid as much as we should, we must avoid as much as we

[a] Concil. Tolet. 8. Can. 2. temp. Martini P.

can. We must choose none directly, but when we are forced upon some by our own infelicity or fault; it is the best remedy for the gangrene that we lose our arm or leg: and he that is in the fatal necessity, no otherwise can be permitted to choose a sin, than he is supposed to be desirous to be cut of the stone, when upon any terms he resolves he never will or can endure the torments of the disease. The great reason of this rule is that which was given by Aristotle[b], ἐν ἀγαθοῦ γὰρ λόγῳ γίνεται τὸ ἔλαττον κακὸν πρὸς τὸ μεῖζον κακόν· ἐστὶ γὰρ τὸ ἔλαττον κακὸν μᾶλλον αἱρετὸν τοῦ μείζονος· τὸ δὲ αἱρετὸν, ἀγαθὸν, καὶ τὸ μᾶλλον μεῖζον· "the less evil in respect of the greater evil is to be accounted good; because the less evil is rather to be chosen than the greater; and what is in any sense eligible, is in some sense good, and that which is more eligible is a greater good."

But it seems something harder to inquire concerning this case when it relates to others: for so it uses to be asked;

Quest. Whether it be lawful to advise, to counsel, to petition, to determine, to make use of the doubt of another, or his necessity, or perplexity, and to call upon him to do that which is a sin? The case is this; Pollio, an intemperate and wanton young man, falls into adulteries and unnatural lusts; his friend Publius Asinius advises him, not so,—but if he will not leave his vileness, better it is to satisfy his lust by single fornication, and the less harmful complications:

> Et quas Euphrates, et quas mihi misit Orontes,
> Me capiant: nolim furta pudica torfi[c].

Whether or no Publius does well in giving this advice, is the question? The reasons of doubting are these: because he that advises evil, is guilty of the sin which he procures; and he that any way consents or induces another to sin, shall be partner in the punishment.

To this I answer, that, in the whole intercourse, there are to be considered the formal sin, the material part of the action, and the degrees of the obliquity. The formal part, or the sinfulness, cannot, must not be countenanced, or assisted at all, directly or indirectly; and in the present case it

[b] Lib. v. Ethic.

[c] Propertius, ii. 23, 21. Kuinoel, vol. i. pag. 150.

is so far from being countenanced, that it is reduced to as little a proportion as it can, as near to a destruction as the present necessity or perplexity will permit, and it is out of hatred to the obliquity or sinfulness that this lesser way is propounded. Pilate, seeing the Jews resolved to do a spite to the holy and most innocent Jesus, propounded to them a lesser way than murdering him: "I will scourge him, and let him go." Pilate's conscience was not perplexed, though his interest was; and therefore there was no necessity for him to do either, and neither ought he to have propounded the lesser evil, which, it may be, themselves did not design: indeed if they were resolved to do one, he might have persuaded the less, not absolutely (for nothing could have made that lawful), but comparatively; that is, rather that than the other, if ye will do one.

2. But for the material part of the action, if it be already prepared, and the malice known and declared, it is lawful to propound a less instance of the sin without persuading to it; which is to be understood with these cautions:

1. That it be only with a purpose of hindering a greater.

2. When the lesser cannot be hindered, but at least so much must be done by way of redemption. As if Caius resolves to ravish a matron to satisfy his lust, it is lawful to divert his lust upon a common prostitute, who sells her soul for bread; because her malice is always ready and watches for an opportunity, and sins no less, if she wants opportunity which she thirsts after.

3. That it be ever without the prejudice of a third person: as if one of the banditti intends to kill one man, and this happens to be offered to a public and a brave man, it is not lawful to point out his sword to the striking of a meaner person to save the other; because, though, in respect of the effect, it be a less evil, yet it is a direct uncharitableness to a third, which can receive no warrant or legitimation by the intention of the propounder; for although he intends that a less evil be done for the public, yet he intends a greater evil to the particular.

4. That it be in a case certainly known where the malice is apparent and declared, and the matter prepared; for thus we see that God, who sees the hearts of men, diverts their prepared malice upon some special matter, which serves the

ends of his providence, and verifies the prophecies of God, and so brings his designs to effect, and a certain event by contingent or voluntary instruments. But we may no further imitate this, than we can attain to little portions of the knowledge of men's private and particular purposes.

3. But as for the degrees of the obliquity or irregularity, it is certain, none is to be persuaded or assisted directly, but suffered in the whole, and persuaded in the instance, by way of remedy against the greater, and more intolerable. Thus Moses permitted divorces, that the Jews might not commit open and frequent adulteries, or kill their wives when they grew weary of them. Thus an inconvenience is suffered, rather than a mischief shall be introduced; and some fooleries and weak usages are suffered in some churches, rather than, by reforming them, make the ignorant people think all religion is indifferent: and if all the people of the Greek church did perceive that any of their old customs were fit to be rescinded, they would, upon the same easiness, quit their whole religion, and turn Turks. And though an error is not to be permitted in any church, when it can be peaceably amended, and when it cannot, it is, as often as it can be, peaceably to be discouraged; yet when the necessity is great, and the evil feared is certain, and felt, and is intolerable; it is a sad necessity, but no man can help it, and therefore it must be as it may,—the lesser error is to be endured, till it can be remedied, with a remedy that is not worse than the disease.

Quest. Upon this occasion, and for the reducing the rule to practice, and to regulate a case which now-a-days happens too frequently, it is not amiss to inquire concerning the necessities of women married to adulterous, and morose vile-natured husbands; whether it be lawful for a wife, out of a desire to live with some degree of a tolerable comfort, to connive at her husband's stolen pleasures, and to permit him quietly to enjoy his folly? and what is a woman's duty, and what were her most prudent course, and manner of deportment?

Some of great reputation in the church of God, both of old and later times, put a speedy period to this inquiry, and absolutely condemn it as unlawful for a man or woman to live with their husband or wife respectively, if either of them

be notoriously guilty of adultery. Of this opinion was St. Jerome[d], saying, "That a man is 'sub maledictione si adulteram retineat;' 'under a curse if he retains an adulteress in his embraces.'" And St. Chrysostom[e], "Sicut crudelis et iniquus est qui castam dimittit, sic fatuus et iniquus, qui retinet meretricem. Patronus enim turpitudinis est, qui celat crimen uxoris;" "As he is cruel and unjust, who puts a chaste wife from him,—so he is unjust and a fool, that keeps a harlot. For he is a patron of his wife's turpitude, who conceals his wife's adultery." And this they prove out of Solomon[f]: "Qui tenet adulteram, stultus est;" almost the words which St. Chrysostom uses: "He is a fool that keeps an adulteress:" ἀσεβὴς it is in the Greek LXX. "He is an *ungodly* man." And of the same opinion was Bucer, in the last age, who for his opinion brings two arguments, which are not contemptible. The first is taken from Deuter. xxiv. 4. where God enjoins, that if a man puts away his wife, he must at no hand receive her again, "quia ipsa polluta est," "she is defiled," meaning, if any man else hath lain with her; and if this be a good reason, it will conclude stronger, that if she have committed adultery, she may not be entertained, because, in that case, she is much more polluted; and where the reason of the commandment does intervene, there also the obligation does go along. But the other is yet more considerable; for if God commanded that the adulteress should be stoned to death, certainly he much rather intended she should be turned out of doors. To which I add this consideration, that since an adulterer is made one flesh with the harlot with whom he mingles impure embraces, it follows that he hath dissolved the union which he had with his wife, or she with her husband; for he cannot be one with his wife, and one with the harlot, and yet he be one in himself, and they two, for that is a perfect contradiction; for that which is one with two, is not one but two. Now for a woman to lie with a man, or a man with a woman, between whom there is not a just and legitimate union, seems to be an unjust and illegitimate uniting; and therefore it cannot be lawful to lie with an adulterer, who is one with a harlot.

[d] In 19 Matth. [e] Caus. 32. q. 1. c. Sicut. [f] Prov. xviii. 22.

Before I come to the resolution of the question, I must describe how much these arguments do prove and infer: because, though they do not prove so much as their contrivers do intend, yet they do something towards the whole question. 1. The words of St. Jerome infer nothing but this, "That to live with a harlot is a great calamity, and a horrible curse, and it cannot indeed tend towards a blessing, or end well, or be at all endured, if it be not intended to purposes beyond the proper effect of that calamity." He that is smitten with a leprosy, or he that is hanged upon a tree, is accursed; but if the leprosy makes a man run to God, or to Christ, or the man that dies upon a tree does confess and glorify God, and by his death intends to do so, the leper shall be presented pure before the throne of grace; and he that hangs upon the tree, does die with Christ, and shall reign with him for ever. 2. And the design expressed in the words of St. Chrysostom, do verify this commentary upon the words of Jerome. For St. Chrysostom, charging not only infelicity, as the other does, but folly and cruelty upon him who retains a harlot, gives this reason,—because he is a patron of his wife's turpitude if he conceals it;—meaning it, if he conceals it out of carelessness and positive neglect, or, which is worse, out of interest, or base designs. All wise and good men in the world condemn the fact of Cato, who did lend his wife Marcia, a virtuous and a chaste matron, to his friend Hortensius. He that conceals his wife's crime, with an unwillingness to reform it, or a pleasure in the sin, or the fruits of it, is his wife's betrayer and murderer; nay, he is an adulterer to his own wife. But these words cannot be true in all cases; for he that conceals her shame, lest the discovery should make her impudent, and harden her face, he is no patron of the sin, but a careful guardian, watching lest she should commit a worse. And this also is the meaning of the words of Solomon; for although they are not at all in our Bibles, because they are not found in the Hebrew text, yet the words,—which are found in the Greek LXX. and in the vulgar Latin, and which are certainly in the Bibles which St. Jerome and St. Chrysostom did use, and which were the cause and original of their opinion,—have in them this sense, 'That as he who expels a good woman, thrusts good from his house, so he that does not thrust an

evil woman thence, an adulteress, he is a fool;' meaning, if he connives at her wickedness, or unless he have something to sweeten the sufferance, or some pious purposes to sanctify his action. But if it were absolutely unlawful, then the adulteress were a person of a desperate fortune, irremediable and irrecoverable, incapable of mercy, or repentance; or if she were, yet her husband's charity and forgiveness might by no means be instrumental to it; and yet St. Paul, in a case that was extremely bad, even in a case of infidelity, asks, "Qui scis, mulier, an virum sis lucratura?" "What knowest thou, O woman, whether thou mayest gain thy husband?" But the arguments of Bucer, being intended directly against the lawfulness of retaining an adulteress, or living with an adulterous husband, are to have distinct answers. For although where a commandment is given with a reason, wherever the same reason is, it does not always follow that there is the same obligation; because, although God is sometimes pleased to give a reason for the precept, yet the reason did not bind without the precept, but the precept does bind without a reason, which demonstrates that the obligation proceeds wholly from the authority of God, and not from the reason (as I intended to show more largely in its proper place): yet besides this I say, the reason is not rightly rendered in the usual translations: "Non poterit prior maritus recipere, quia polluta est;" "The first husband may not receive her, because she is defiled." For the words in the Hebrew are אשר הטמאה which do not signify "because she is polluted," but "quia facta est polluere se," "because she is made to defile herself;" meaning, 'that because her first husband thrust her out, and offered her to be humbled by him that would, he, being the cause of that pollution, hath lost all right to her, and the privilege of restitution.' And then this case refers not to a simple adultery, but to him who betrays or exposes his wife to adultery: and indeed such a person might not, in Moses' law, receive her again; and this was the case of Cato and Socrates, who were very free in lending their wives, as a man lends a utensil. As for the case of lapidation, it is true, the woman, if she were legally convicted, was to die; but the husband was not bound to accuse her,—he might pardon her if he pleased, and conceal the fact; he might pardon her

for his share, as Christ did the woman taken in adultery; or put her away privately, as Joseph, upon a mistake, intended to do to the blessed Virgin-mother: but that it is, therefore, unlawful to retain her whom his soul loves, whom he would fain convert, whom he desires and hopes to reform, or that God did intend the good man should not use any of his charity and kindness to any such purpose, is not at all to be concluded by these arguments. Now as to the last, the adulterous man is one with the harlot, but this union is not a natural union, but a spiritual and legal, as appears by the effect of second and third marriages; for one person can no more be one naturally with two or three successively, than he can be one with many at one time; and when the patriarchs were married to divers women at once, they were not naturally one with them all, but legally they were; that is, they were conjoined in holy bands, and were to very many purposes to be reckoned but as one. Ἓν γάρ εἰσιν ἀνὴρ καὶ γυνὴ τῇ φύσει, τῇ συμπνοίᾳ, τῇ ἑνώσει, τῇ διαθέσει, τῷ βίῳ, τῷ τρόπῳ, κεχωρισμένοι δὲ εἰσὶ τῷ σχήματι καὶ τῷ ἀριθμῷ, said Clemens: They were one person by union of affection, they had one bed, one purse, one interest, community of children, communication of bodies, equal rights as to the power of marriage, the same band of duty, tied by the same mystery. Now he, or she, that commits adultery, breaks this union, and divides or imparts some of the rights due to each other to an impure person, and they become one flesh in an impure mixture. Now, because he or she that first breaks this union, loses their own right by invading or giving away another's, therefore the offending person may be put away, and refused in their petition of right, which they have lost by doing wrong. But the adultery hath not so united the offending persons, but that the union can, and may better be broke, and the erring party reduced to his rule, and to his right. For it is but a legal, and it is a spiritual or intellectual union, which is to be done not by material, but by moral instruments, which can eternally return, and be effective when they do. The way then being thus far made straight, I answer,

That it is not only lawful, but may have in it great piety and great charity, for a woman still to cohabit with an adulterous husband. The lawfulness appears, in that there is no

prohibition by a Divine commandment, no natural uncleanness in it; and this appears as all other negative pretences can, even by evacuating the pretences made to the contrary. Of this opinion was St. Basil, who also made a canon for it, and commanded it to be done in his church, as appears in his Epistle to Amphilochius I. Can. 9 and 21. The same also was the sentence of St. Austin to Pollentius, and in his book 'de Adulterinis Conjugiis[g];' and of pope Pelagius, in his Epistle to Melleus, his subdeacon. But they, it seems, went against the general stream; for they were not only forced to dispute it, but also to limit the question and the permission. For David received his wife Michal, who had lived with another man; and St. Paul advises the wife to be reconciled to her husband; and Christ forgave the woman taken in adultery; and God not only is ready to forgive, but calls and invites his church to return to his love, though she hath been an adulteress, and committed fornication against him. But, therefore, so may a man; but it ought only to be done in case the sinning person does repent: only St. Basil is for the living still with the adulterer, though he wallow in his sin; but does not think it fit, the man should be tied to do so to his adulterous wife. That he or she respectively may, if they will, still live with the sinning person, needs no other proof but this, that the innocent, being also the injured person, may forgive the injury done to them; and that it may have in it great piety, and great charity, is certain upon the same account, on which it can be piety and charity to suffer injuries, to be patient, to have a long-suffering spirit, to exhort, to intreat, to bring the sinner to repentance, to convert a soul, to save a sinner from the evil of his way. But this is to be practised with the following measures and cautions:

1. The innocent person must not be bound to do this, because, the union being dissolved, the criminal hath lost his right, and therefore if the other use their liberty, they do no wrong; and although it may be good charity in many instances to do it, yet because there is no direct obligation in any, and there may be great uncharitableness to one's self, as the case may happen, no one's liberty is to be

[g] Lib. iii.

prejudiced in this particular, but they are to be exhorted to all instances of charity; ever remembering that saying of God by the Prophet, "The Lord God of Israel saith, He hateth putting away[h]."

2. The innocent person may lawfully retain the criminal, though he or she have no other end or purpose in it, but the love of the person, or the retaining of their own rights temporal, or any other thing that is in itself honest and lawful: and the reason is, because the fault of the one is not to prejudice the other; and it is misery enough to be injured in their direct relation, and not that this injury compel them to receive another. If Titius be an adulterer, his wife, Caia, hath not lost her power over his body, or her interest in his family and fortune.

3. This is to last as long as there are any hopes of repentance, and the repentance is to be procured and endeavoured by all direct means, and by all the indirect means which are ministered to the innocent person by the power and advantages which his or her innocence gives over the guiltiness of the other: such as are, reproving his fault, denying conjugal rights, delating the person, bringing him or her to private shame, procuring reproof from spiritual superiors, or natural relatives, and indeed any thing that can be prudent, and by which the offender can be made better, and will not be made worse.

4. If there be no hopes of repentance, yet still the innocent person may use their own right, not only because there may be possibilities, and real consequent events when we have no hopes; and St. Paul's question,—"Qui scis, ô mulier?" "How knowest thou, O woman, whether thou shalt gain thy husband?"—may still have place; not only, I say, for this reason, but for the foregoing; the innocent person does not lose his or her right, and, therefore, may still possess what otherwise she might quit; and his incontinence does not oblige her to be exposed to the danger of a πύρωσις or ustulation, nor to be reproached with the noises of divorce, nor offered to an actual poverty, or dereliction, or to become an actual widow before death.

5. If the retaining the adulteress be actually scandalous,

[h] Malach. ii. 16.

the church, in that case, hath been more restrained in her permission, and hath commanded the innocent person to put the offending woman away: and, therefore, the fathers, in the council of Eliberis[i], refused to give the communion to a clergyman even at the last, if he did not, 'statim projicere,' 'instantly expel' from his house his wife, whom he knew to commit adultery: and in the council of Neò-Cæsarea, he was to be deposed from his dignity in the same case; the reason is given by the council of Eliberis[k]; "Ne ab his, qui exemplum bonæ conversationis esse debent, videantur magisteria scelerum procedere;" "lest their houses, which ought to be the examples of piety and chastity, become the precedents and warranty of uncleanness." This is nothing else but a pursuance of the canon apostolical[l], requiring that bishops and deacons should be such "who rule their own houses well;" for if they cannot do that, it is not easy to be supposed they can well rule the church of God: and though a good man may have an evil wife, and such a one whom no prudence can govern; yet if she be an adulteress, he can put her away, though he cannot govern her: and, indeed, all such reproaches ought to be infinitely removed from the houses of those, whose lives and whose governments ought to be exemplar. "Oportet suspicionem abesse a Cæsaris domo." Princes and prelates ought not to have any thing under their roof so nearly relating to them, that can justly be suspected. But this is matter of decency and fittingness, not of indispensable necessity.

6. The innocent person must not directly, by any compliance, cohabitation, or indulgence, give countenance or encouragement to the impurity or crimes of the offending relative; for nothing can make it tolerable or lawful, to promote a sin, or any ways directly to cooperate toward it. This is a 'species lenocinii,' a being a bawd to the uncleanness of that person, whom, with our lives, we ought to rescue from that damnation, if we could. And, therefore, if the woman finds her husband grow worse by her toleration and sufferance, she is to go off from it by such degrees as are on this side the extreme remedy, which I reckoned before in the third caution; and if nothing else hinder, it is not only

[i] C. 65. [k] C. 8. [l] 1 Tim. iii. 4, 5.

excusable, but hugely charitable, and in a very great degree commendable to be divorced. For she uses her own power, and, therefore, sins not, and does it when nothing else can prevail; and, therefore, she is not rash, or light and inquisitive after new relations, and she does it that she may not patronise or increase his sin, and, therefore, is charitable to his better interest.

7. But if his or her compliance and cohabitation does accidentally make the offending party worse, yet if it be besides the intention, and against the purpose, and contrary to the endeavours of the innocent; he or she, in that case, is not tied to relinquish their right and their advantages in the present possession or cohabitation. 1. Because concerning accidental events, against which we labour, no man is to give account. 2. Because of this accidental event, the offending person is the only author, and the innocent is not to suffer for his sin. 3. If the innocent person were tied to depart, then it were at any time in the power of the adulterer or adulteress to be divorced from the innocent, because he, growing worse by the other's being good, can oblige the other to quit him of the burden which he hates. 4. Because to depart in that case is no remedy. Because he that is vile, may grow worse by contrary causes; and as wicked men are made presumptuous by mercies, and hardened by judgments, and whether they be punished or not punished, from both they take occasion to persevere; so may an adulterer, or an adulteress, by being sweetly used, or by being harshly. All that can be of duty and necessity in this case, is that the innocent person, with all prudent advice and caution, do not, by any direct act, encourage the crime, —or connive at it when it can be helped,—or commend it when it cannot,—or refuse to use any fair or any just instrument of curing the leper: and for the rest, let them pray earnestly, frequently, humbly, and leave the event to God. It is lawful to permit or suffer an evil, which I cannot help, and by that permission retain my own rights, or prevent my own wrongs; but it is at no hand lawful for any interest spiritual or temporal to do an evil, or to set it directly forward.

Thus some commonwealths permit fornication and public stews, to prevent the horrid consequents of the lusts of their

young men, which, when they cannot cure, they seek to lessen and divert; and though there be in the whole, many evil appendages, and a great fault in government, and many evil and avoidable necessities introduced or supposed: yet so far as this intention is considered, if it were not avoidable or remediable by the severity of laws, and the wisdom of discourses, and the excellences of religion, it were the only charity that were left, and an after-game of conscience and religion; sad and fatal to those whose folly infers it; but all that is left, that can be done for God and for souls.

But yet this thing, in all the circumstances, is not to be done at all, because it is a snare to many who have no such necessities, who are otherwise curable, who enter into the temptation, because it is made ready to their hand; and it is a high scandal to the laws and to the religion of a country, where such vile nests of impurity are suffered; and the necessity is but fantastic, accidental, and inferred by evil customs, or some secular interest, or weaker regard; for there is no necessity that men must either debauch matrons or be fornicators; let them marry, for that is the remedy which God hath appointed, and he knows best how to satisfy and provide for all the needs of mankind. But it is objected, 'the laws of Italy forbid the younger brothers of great families to marry.' That is it which I said, men make necessities of their own, and then find ways to satisfy them, which, therefore, cannot be warranted by that necessity, because that necessity is of their own procuring, not from God, nor for him. For this is the case; an evil is to be cured, and a greater prevented; God hath appointed marriage for a remedy, the civil power forbids it to some persons, who, for want of that, must fornicate, or do worse. To prevent the worse, they provide them of opportunities of doing the less. But what remedy is there for the less? That is not thought of; for marriage is inconvenient to younger families; but it is very convenient for their souls, and they also would be provided for, as being no contemptible interest. Here, therefore, if they would alter the necessities which worldly interest introduced, if they would prefer souls before the greatness of families, heaven before a marquesate in Sardinia, and would esteem it more honour to a house to have chastity preserved rather than wealth, and an entire

inheritance, the weak pretences of excuse for stews would be hissed off from the face of all Christian countries; for if fornication be a remedy against unnatural lusts, it is just as being poisoned is an antidote against hanging; but, certainly, there is a better: innocence or pardon will prevent it with more advantage, and so will marriage do to the worst evils of lust; unless no health is considerable which is not effected by a witch, and ease is to be despised if it be brought with a blessing. But if any one can pretend, that marriage will not secure the Italians or hot Spaniards from attempting intolerable vilenesses (besides that fornication will do less, as having in it no more of natural remedy, and not so much by way of blessing); in this case, the wheel or the gallies, hard labour and the mines, the rods and axes, must pare off the luxury.

This, therefore, is the result, as to this particular instance. In the questions of greater or lesser uncleannesses, permissions are not to be made by public authority, for the reasons before named: but there may be particular necessities in single instances which will run into present evil, for which no remedy can be provided; and then it is lawful to divert the malice upon a less matter, when it cannot be taken off entirely: for thus righteous Lot[m] offered his daughters to the impure Sodomites, to redeem the strangers from the violation intended them, and to hinder his citizens from breaking the laws of nature and hospitality, which (if they were not always) yet then they were of greater obligation than the restraints of simple fornication. And to this purpose is that of St. Chrysostom[n], who, to a man that is accustomed to swear, and cannot avoid it, advises that he should rather swear by his head than by God. I do not, I confess, like the instance; both, 1. Because it is, in some cases, worse to swear by a creature than by the creator; it is an honour done to him to swear by him, though to do it triflingly is such an honour done to him, as superstition is, an honour that angers him: and, 2. Also because he that can pretend his swearing to be unavoidable, does say so, because he does swear when he cannot deliberate; and if he

[m] S. Ambr. lib. i. c. 6. de Patriarch. Abraham.
[n] Hom. 27. ad Pop. Antiochen.

does not consider, he can never make use of his advice to do one rather than another; for no man can choose that cannot consider; but as for the prime intention of the advice, that the least evil is to be chosen, or advised, it is, without question, safe and prudent.

Of the same purpose are these words of St. Austin[o]: "Si decrevisti homicidium aut adulterium facere, adulterium committe, non homicidium:" "If thou wilt murder or commit adultery, do this, not that;" that is, rather this than that. But neither here am I pleased with the instance; because, when any man can lawfully be diverted to a less sin, it must be in the same kind; because the same lust cannot be filled with a differing object; and if the temptation be such that it can be taken off wholly from that scene, and changed to a differing and disparate matter, he can as well be turned to something that is innocent as to some other distinct vice; that is, he may for all his temptation. From unnatural lusts to natural, from the greater kind to the less, from adultery to fornication, from fornication to trifling amours and Platonic fooleries; from murder to a blow, from a blow to an angry word; these are proper diminutions, which are in a direct order to the retrenching of the sin: but from murder to adultery a man is not to be diverted, because this is not a direct lessening of the degrees of sin, but a changing it into equal; or if it be not, yet the malice is more extended, if not intended, and the man is directly tempted to be a devil upon a new score, for it must be a new malice that must change him; but still the advice is, in its main design, safe and innocent.

But of the same mind is St. Gregory[p], affirming it to be good advice, that when of two sins one must be chosen, that the least be it; but his proof of it is not to be suffered: for 'so,' saith he, 'for the avoiding fornication, St. Paul permits marriage;' which saying of his, without great violence to the words, and charity to the man, can never be reconciled with the truth of Scriptures, or the honour of marriage; but as for the main advice, it is well and agreeable to right reason.

But besides the cautions already given[q], relating to the

[o] De Adulterin. Conjug. lib. i. c. 15. [p] Moral. lib. xxxii. c. 18. [q] N. 4.

material part of sin, the whole affair is to be conducted with these provisions:

1. No man may use this course, by engaging in a present lesser evil, to seek to prevent a greater that is to come: the reason is, because this is a securing of evil, it is an assurance and a certain gain to the interest of sin, and this certainly may outweigh the greater degree of an uncertain evil; and there are many acts of providence which may intervene and prevent the future evil, which, therefore, is not to be prevented by a present evil, though less mischievous, —because possibly it may be hindered at a cheaper rate; and no little evil is to be done, but when either itself or a greater is unavoidable; which happens not (for aught we know) in the present case; for before to-morrow the man may die, or his affections to sin may die, or he may be sick, or scared, and to put it off as long as we can, is one kind of diminution and lessening of the sin, which is the thing here consulted of.

2. Care must be taken, that, by this means, no man's sin be promoted, no man's eternal interest be lessened, no evil be done that we could and ought to forbid and hinder; and that of this we have a moral certainty, or at least no probable cause to doubt: the reason is, because if we put any man's soul to hazard, by procuring a less damnation to an evil person, the evil we do is greater than good; and we venture one mischief, for the venture or hopes of lessening another. Quintus Milvius, being in love with the wife of Muræna, and she with him,—Milvius resolves to kill his wife, Virginia, and run away with the wife of Muræna, or force her from him; he acquaints his freed-man, Priscus Calvus, with his purpose, but he, to divert his purpose of murder and adultery, persuades his patron, Milvius, rather to lie with Muræna's wife now, than to do such things of hazard, and evil voice, and dishonour: and his advice was charitable, and prevailed; for though the adultery was future, yet the intended murder was present, and the evil was lessened as much as it could, and no man prejudiced, but the life of one saved. But if he believes, that by this act Virginia will be so exasperated, that she will turn adulteress in revenge, or kill her husband; this is not to be advised

upon the foregoing reason. If a rich usurer refuses to give an alms to a starved person, he may be advised rather to lend him some money upon interest, than suffer him to die for want of bread: but if I believe, or probably suppose or suspect that another man will be confirmed in the uncharitableness, and think because I advise him to this, he does well in it, and will live and die in this opinion, then I may not, at the charge of another man's soul, do the other wicked person that small advantage, which is less than can countervail the other evil.

3. He that advises the lesser evil for the avoiding of a greater, must not advise any thing so to serve his own interest or humour, as that he shall in any sense be delighted with the evil, because so he becomes guilty of the other's sin, and then he cannot do a thing lawfully, if it asperses him with guilt; and he may not serve another's need with his own evil joys; and the interest of souls is not set forward when one dies to make another less sick. But besides this, the question here being whether it be lawful to advise a less evil for avoiding of a greater, though it be affirmed to be so, when it is wholly for the avoiding the greater; yet it cannot be lawful to give such advice to serve my own lower ends: nothing but the former can legitimate such an advice, and therefore this latter cannot.

4. No man must make use of this course himself; for though it be lawful to divert a greater evil by advising the less to others, yet I may not myself choose a less, that I may not choose a greater; for if this be lawful, it would be in the power of any man to sin what sin he pleased, and to threaten his conscience into a leave: for if he should resolve he would either kill the father, or lie with the daughter; be unnatural in his lusts, or loose in his entertainments, he might legitimate every lesser sin for fear of the greater. But therefore it is certain, that when he can choose either, he must choose none, for nothing can make it lawful, directly to choose any, even the least evil. But when it so happens that the conscience is doubtful and perplexed, and that in this sad conjunction of evil and weak thoughts, it seems unavoidable but that one must be chosen, we may then incline to that which hath least danger and least mis-

chief. And this advice was given by the chancellor of Paris [q]: "Si sub electione proponuntur duo mala, cave neutrum eligas: Nam in malis quid est eligendum? At vero si culpa nostra eò recidimus, ut necesse sit alterum ex peccatis fieri, minus est acceptandum; quia jam in comparatione deterioris, sortitur boni, secundum quid, rationem." No sin is to be chosen when both can be avoided, but when they cannot, the least is to be suffered. But when this comes to be another man's case that he will not avoid both, though he sins in choosing any, yet he that advises him rather to take the less, does not sin. He that chooses the less, sins less, but yet sins, because he should choose none at all; but he that advises him to choose the less, sins not at all, because he hinders all sin as much as he can.

5. He that advises a less sin for the prevention of a greater, must see, that it be directly less, and certainly so; it must be in the same matter and kind, and in a less degree, because he can no otherwise be certain that he hath done any good at all, and may do a greater evil. For in degrees of sin the case is clear when the matter or instance is the same; but if it be specifically different, or in the whole kind, all question of degrees is infinitely uncertain, and therefore the rule is not without danger practicable in such cases. But of this I have already given some accounts in the fifth number of this rule.

But because all this discourse relies upon this main ground, that the lesser evil in respect of the greater hath the nature of good, and therefore is to be preferred; or (which is all one) the avoiding of the greater evil is directly a good, and the suffering the less evil is better than suffering the other, yet because it is but comparatively good, it is positively evil; here it is to be inquired, whether this can be lawful, or is it not a prevaricating of the apostle's rule, that "evil is not to be done, that good may come of it?" and whether this may be done in any case, and by what cautions it can be permitted or made legitimate. This inquiry hath great uses in the whole life of men; and therefore is not unworthy a stricter search.

And first as to the present rule, it is certain, that this

[q] Gerson. tract. 8. in Magnif. num. 88. lit. F.

permission is not a doing evil that good may come of it: 1. Because no evil is at all permitted when all can be avoided. 2. Because no man is to act this rule in his own person, upon whom we may and ought to have a power of persuasion and effort sufficient to cause himself to decline all evil. 3. It is only permitted to be advised to others by such persons who hate all sin, and have neither pleasure nor interest in any. 4. It is not a giving leave to any sin, but a hindering as much as can be hindered. It is not a doing any thing at all of kindness to any thing but to the man. It is like that permission which the sons of Israel gave to the remnant of the Canaanites, to live in the land because they could not destroy them all. They killed as many as they could, and it was not kindness but necessity that left those few alive. And the thing was not ill expressed by Petrarch[r], "Duobus aut pluribus ex malis minus malum eligendum esse non video, cum minus malum haud dubie malum sit, qualiter mali electio sit laudanda. Itaque rectius dici reor, majora mala majori studio vitanda, ut si vitari cuncta non possunt, minora facilius tolerentur, non electione, sed patientia, æquanimitate, modestia:" "Of two evils the least is not to be chosen, since that the less evil is without all doubt an evil. Thus therefore I suppose we ought to say; the greater evils are with greater care to be avoided, that if all cannot be declined, the less may be better tolerated, not by choice, but by patience." Now though it be not lawful to do evil for a good end, yet it is lawful to suffer evil to avoid a greater, and to make the best of it that we can; which was the counsel which Cicero[s] says he received from learned men; "Non solum ex malis eligere minima oportere; sed etiam excerpere ex his ipsis, si quid inesset boni."

But to the thing itself, there can be no dispute but that it is highly unlawful to do evil for a good end; St. Paul's[t] words are decretory and passionate in the thing: he calls it slander, or blasphemy, that they reported it of him that he should say, "It was lawful to do evil that good might come of it;" he also affirms, that though the greatness of the sins of the Jews or Gentiles did magnify the greatness of the

[r] Lib. v. epist. rerum senilium.

[s] Offic. iii. 1. 9. Heusinger, pag. 571.

[t] Rom. iii. 8.

Divine mercy, yet they whose sins accidentally thus served the glorification of God, their damnation was just. Though this be clear and certain, yet I doubt not but all the world does evil that good may come of it; and though all men are of St. Paul's opinion, yet all men do not blame themselves when they do against it. I will therefore first represent the matters of fact, and then consider of the allays or excuses to which men pretend in their private accounts or public answers, and so separate the certain from the uncertain, and establish the proper measures of the proposition.

For first if we look in Scripture, we shall find that divers eminently holy have served God by strange violences of fact, and for his glory have laid hold upon instruments not fit to be handled, but such which would have cut the hands of a Christian, if they had been drawn through them. David gave order to Hushai to enrol himself in the rebel party;—and to deal falsely with Absalom, that he might do good to David; and indeed so do all spies, which, if they were not necessary, would not be used in all armies; and if they be, yet they do that which honest men would scruple at. Elias [u] the prophet, that he might bring the people from idolatry, caused a sacrifice to Baal to be made, and the idol to be invocated, which of itself was simply and absolutely evil; and Jehu (though a much worse man) yet proclaimed an assembly for Baal, and both of them did it that they might destroy the priests of Baal, and dishonour the idol, and do honour to God, and both did well; and for aught appears, so did the ten men of Shechem, who, to redeem their lives from the fury of Ishmael, discovered the secret treasures of the nation [x]: and amongst the Christians some women, particularly Pelagia and her daughters, have drowned themselves to prevent the worst evil of being deflowered. And is it not necessary in all governments, that by violence peace should be established, and by great examples of an intolerable justice others should be made afraid? For so do all princes knowingly procure their rights by doing wrong; for, in all wars, the innocent must suffer that the guilty may be punished: and besides that all great examples have in them something of iniquity,—it were not easy to have discipline in private governments, or coercitive power in laws, if in some cases

[u] 1 Kings, xviii. 25. [x] Jerem. xiv.

some evil were not to be permitted to be done for the procuring some good. For suppose Corippus hath an obstinate servant, so perverse that like the sides of elephants his very soul grows hard by stripes, and that Corippus knows this, yet if he have other servants who will be corrupted by the impunity of this, he may, he must do evil to the obstinate, and ruin his soul for the preserving the others. And, indeed, if we consider how sad, how intolerable an evil it is that a malefactor is snatched from his scene of evil and vile actions, and hurried to hell with his sins about him; and that for the only reason of doing good to others, and preserving the public interest, it will seem necessary that this interest be preserved, and, therefore, that the other instrument be employed; for it is natural enough that as truth comes from falsehood, so should good from evil; it is not an accidental or contingent product, but sometimes natural and proper; and as God brings good out of evil by his almighty power, so do good men by the nature of the thing; and then the intermedial evil to a wise and religious person is like unhandsome and ill-tasted physic, it is against nature in the taking and in its operating, but for the preservation of nature in the effect and consequent; so are some evils against religion but useful for its advancement. And this very similitude supplies many particulars of the same nature. For thus we make children vain-glorious that they may love noble things; and who can govern prudently and wisely that resolves never to be angry? and to be angry so as to do the work of government; though it be not bigger than the measures of the governor, yet they exceed the measures of the man. Thus for physic it is affirmed to be lawful for a man to be drunk: and cardinal Tolet[y] allows of voluntary desires of pollution, when without it we cannot have our health; and yet to desire such pollution without such a good purpose is certainly criminal; and if, for the interest of health, evil may be done, much more for religion and effects of holiness. But thus I said, it must happen in public governments: the Christians that dwell in China, Japan, and in the Indies, cannot transact their affairs with the heathens without oaths, and therefore they make them swear by their own false gods, by the names of their idols and devils, which only they think binding,

[y] Lib. v. c. 13.

and neither could there be any security of faith to princes or to subjects, that is, in the public or private intercourse, without it, and yet without question as to swear by devils and false deities is a high crime, so to require or to procure it is a great sin, and yet it is done for necessity. The Romans would not trust the Jews that would swear by the temple of Jupiter:

> Ecce negas, jurasque mihi per templa Tonantis:
> Non credo: jura, verpe, per Anchialum [a].

no trust was given, unless they swore by the God whom they feared; and so it is in the case of others; and what is necessary, it were very strange if it might not be permitted. And what else can be the meaning of dispensations, but that a thing which is otherwise unlawful, is made good by its ministering to a good end; that is, it is lawful to do evil, to break a law, and leave is given to do so, when it is necessary, or when it is charitable. Upon this account it is that prescription does transfer a right, and confirms the putative and presumed, in defiance of the legal and proper, and this is for no other reason but to prevent uncertainties in title, and eternal contentions, which is a certain doing injury to the right owner, that good may be procured or evil pretended. When a man is in extreme necessity, the distinctions of dominion do cease; and when David and his soldiers were hungry, they ate the show-bread which God forbad to all but to the priests; and so did the apostles, to satisfy their hunger, break the sabbath by pulling and rubbing the ears of corn; and in the defence of a man's own life it is lawful to kill another: which is certainly a doing evil for a good end: and if it be said, that this is not a doing evil, because the end makes it not to be evil, this is a plain confessing the question against the words of St. Paul; for if the good end makes that to be lawful, which of itself, without that end, is unlawful, then we may conclude against St. Paul, that it is good to do evil that good may come; that is, it is changed by the end and by the design. And upon an equal stock of necessity it is, that all princes think themselves excused, if by inferring a war they go to lessen their growing neighbours; but this is a doing wrong to prevent a mischief; as the birds in Plutarch [b], that beat the cuckoo for fear that in time she should become

[a] Mart. xi. 95. [b] Lib. vi. Apophth.

a hawk. And this is certain in the matters of omission, though to omit a duty be simply evil, yet when it is necessary, it is also lawful, and when it is charitable, it is lawful. Thus religion yields to charity, and charity to justice, and justice itself to necessity, and a man is not bound to pay his debts, when to do so will take from him his natural support. And it is thus also in commissions; who will not tell a harmless lie to save the life of his friend, of his child, of himself, of a good and brave man? and to govern children and fools by saying false things, no man makes a scruple: and physicians are commended, if, by a witty lie, they can cozen melancholic and hypochondriacal men into a cure. Thus the man of Athens, who fancied, if he should make water, he should drown the city, was cured by his physician's ingenious fiction that the city was on fire, and desiring him to quench it with his urine, lest water should be wanting in that great necessity, struck his fancy luckily, and prevailed upon him to do that which no direct persuasion could effect. Thus Hercules de Saxonia having committed to his charge a melancholic man, who supposing himself to be the prophet Elias would needs fast forty days, dressed a fellow like an angel, who pretending that he brought him meat from heaven, prevailed upon him to receive both food and physic. This lie was charitable, and if it was not therefore innocent, then some charity can be criminal; but if it was innocent, it was made so wholly by the good end, which sanctified the evil instrument. Thus also judges exact oaths from contradicting parts, though they know that one is perjured, but yet he proceeds by such means to guess at truth and satisfy the solemnities of law. And when the judges themselves are corrupt, we think it fit to give them bribes to make them do justice, who otherwise, would for bribes do injustice; and yet we suppose we are no more to be reproved than they are who pay interest money to the usurers and bankers whom yet themselves believe to sin. But bribery is a sin, and bribery in a wrong cause is two or three; and therefore let the cause be what it will, it is no way tolerable but that it is for a good end. Thus we venture into danger to serve worthy designs; some read heretical books to be able to confute them; and some venture into persecutions which they could avoid, because they would not weaken the hands of such who can-

not avoid it; and yet, to go to danger is not safe, and therefore against charity, and therefore a sin; and yet it is for charity and faith, even when it is against one of them. And last of all, all men do, and they believe they may, make addresses to a tyrant for justice, and though he sits on the bench by wrong, yet we stoop to his purple, and kiss his rods and axes, when we desire to be defended from the oppression of a lesser tyrant; and if this be not a doing evil that good may come of it, then it is no evil to make another do an act of usurped power, or to bend to a power which destroys that to which we are bound by the oath of God.

These instances I have not brought in opposition of the apostle's rule, or that I think any man else pretends any of these in defiance of it,—but to represent that either a great part of mankind does it when they least think of it, or that some things which seem evil are not so; and that I may describe the measures of these things, and establish the case of conscience upon its just limits and rule.

1. Therefore it is to be observed, that the facts of men living under a law, are not to be measured by laws of a differing government, and, therefore, if the facts of worthy men were exemplary (of which in its proper place I am to give accounts), yet the facts of saints in the Old Testament would not be safe examples to us in the New; and therefore we may hot do that which Hushai did, for he did well, that is, against nothing of the law under which he stood; but if the simplicity and ingenuity of our law gives us other measures, the effect will be, that Hushai did not do evil for a good end, but did well to a good purpose. And as to the thing itself, it is very likely that it is lawful to abuse his credulity, whose life I may lawfully take; the cautions and limits of which permission belong not to this present inquiry.

2. The rules of war, and the measures of public interest, are not to be estimated by private measures; and, therefore, because this is unlawful in private intercourses, it must not be concluded to be evil in the public. For human affairs are so intricate and entangled, our rules so imperfect, so many necessities supervene, and our power is so limited, and our knowledge so little, and our provisions so short-sighted, that those things which are, in private, evils, may be public goods: and, therefore, in this question, the evil and the good

are to be in the same kind; a private evil is not to be done for the procuring of a private good, but for a public it may: not that evil may be done for any thing, but that here it is not evil, when it is measured by the public standard. For, since God is the fountain of government, he also gives authority to all such propositions, which are necessary means of its support,—not to all which pretend to it, or which are inferred by folly or ambition, but which are really such. War cannot be made as a man corrects his child, with even degrees of anger, and a just number of stripes, and equalities of punishment both to the person and to the offence; and kings are in the place of God, who strikes whole nations, and towns, and villages; and war is the rod of God in the hands of princes; but the evils which are intermedial to the greater purposes of a just war, are such which are unavoidable in themselves, and besides the intentions of good kings; and, therefore, in such cases, though much evil is suffered because it is unavoidable, yet none is done of choice, and that makes not against the rule. For,

3. In many of the instances objected, the evils which are the ways of procuring good, are not evils in morality, but in nature; and then it is lawful, when there is no malice in the design, to prevent the sin, or to do a good office by a shrewd turn. Thus I may pull my friend out of a pool by a strained arm, and save his life by putting his arm out of joint; and this is a doing evil materially, with a pious purpose, that is without malice, and for a good end, and that is innocent and charitable, when it is unavoidable,—but it is not to be chosen, and done with delight, or evil intent, or perfect election; to do evil to a man in this case is besides the man's intention, it is accidental also to the whole event, it is not so much as giving unpleasing physic, not so much as imposing cupping glasses and using scarifications; for this is voluntary and chosen for a good end, because the good cannot else well be procured, and yet it is chosen upon those terms by the patient. Upon this account a man may give his life for his friend, or wish himself dead; and St. Paul wished himself "accursed for his brethren," and Moses desired to be blotted out of the book of life in zeal for the people of God; and yet all this is a very great charity, because though a man may not do evil, yet he may suffer evil for a good end;

he may not procure it, but he may undergo it; and after all, the doing of a natural or physical evil may be permitted when there is no motive but charity, for then it is in no sense forbidden; sometimes necessary and unavoidable, but no ways evil or criminal; and if it be, it becomes so by accident, or by the intertexture of some other ingredient.

4. When the evils are subordinate or relative, the less may be done to prevent the greater, though they be not in the same matter; as a child may be beaten to prevent a sin, an offender smitten to make him diligent: for these actions, though they are in the accounts of evil things, yet have no intrinsical irregularity, but wholly depend upon the end; but because commonly evil things are done to evil purposes, and with irregular measures, they have an ill name, but they can be changed when the end is made straight, and the measures temperate. Every thing that is not intrinsically evil, if it be directed to a good end, is good, unless it be spoiled by some intervening accident.

Some things are evils properly and naturally, some by accident, some by our own faults, some by the faults of others. An action may be innocent as from me, and yet a very great evil by the fault of others: a malefactor put to death, it may be, perishes eternally; if he does, it is his own fault, the laws are innocent when they smite him for the good of others; and this is not a doing evil that good may come of it; for in things not essentially and unalterably evil, good and evil are in relations, and though the smiting some sinners produce a very evil effect, yet it is only to be imputed to its own cause. There is a good and an evil in many things, and God and the devil have their share of the thing, and so have several persons, according as they intend, and as they operate: and in this case, the laws intend good, and do that which is good, that is, they punish a malefactor; but of the accidental damnation, the sinner that suffers only, is the only cause; and therefore in this, and many like cases of public transaction, there is no evil done for a good end. Thus, if any man who is to take an oath, be wicked and false, the law may exact the oath because that is good, but the law itself may use a false oath if the man will swear it, but then the falseness is the man's that swears, not the law that exacts it. For to many products there are many con-

current causes, which are not integral, but have each their share; and when causes are not integral, the portion of effect is to be applied only by intention of the agent, and the proportion and order to the end: indeed, if the whole effect were to be imputed entirely to every concurring agent (as in murder, every man is principal and integral), then, in many of the fore-alleged cases, evil were done for a good end; but then it could not be lawful so to do: but the actions are therefore innocent to some agents, because they do nothing of it but the good share, that which they ought to do; and that which spoils it, comes in at another door.

6. Some laws of God are such that their rectitude is so perfect, the holiness so entire, the usefulness so universal, the instance so fitted for all cases, and the economy of it so handsome and wise that it never interferes with any other duty, is never complicated with contradicting matter, or cross interests; now these are such which no case can alter, which no man may prevaricate,—or, if they do, they are such which no measure can extenuate, which no end can sanctify: and these are either laws of general reason, and common sanction: or spiritual instances, and abstracted from matter. Thus no man may blaspheme God at any time or for any end, or in any degree; and in these cases it was rightly said in the objections, that if the end can change the instrument, then it is not evil to do any thing for a good end, because the end makes the evil to be good. But then in other cases, where the instances are material, tied up with the accidents of chance, made changeable by relations, tied in several parts by several duties, filled with various capacities,—there the good and the evil are like colours of a dove's neck, differing by several aspects and postures; there abstractions are to be made, and separations of part from part, of capacity from capacity; and when every man provides concerning his share of influence into the effect, all is well,—and if one fails, it may be evil is done to the whole production; but it is not imputed to them who took care of their own proportions. But in such kinds of actions, the limits and measures are extrinsical and accidental, and the goodness is not essential, natural, and original; and, therefore, the whole receives variety by necessities, and by charity. For whatsoever can be necessary by a necessity of God's making, that is lawful:

and I may serve any greater necessity by any thing that is less necessary, when both necessities cannot be served. Thus David's eating the shew-bread, and the apostles' eating corn on the Sabbath, served a greater need than could have been secured by superstitious or importunate abstinence. In positive and temporary commands there is no obligation, but when they consist with higher duties; "Actus imperati unius virtutis non debent præjudicare actibus elicitis alterius." The proper and natural actions of one virtue are ever to be preferred before the instrumental acts of another. As an act of temperance must be preferred before a posture in worshipping; charity, before fasting or before ceremonies: that is, the more necessary, before the less. It is more necessary to save the life of a man, than to say my prayers at any one time, and therefore I may leave my prayers in the midst, and run to save a man from drowning. This is a thing which cannot stay,—the other can. For in all such precepts of affirmative duty, there is a secret condition annexed, and they oblige not when they cross a negative. And it is certain there could be no usefulness of knowing the degrees of good or evil, if it were not for prelation and election of one before another. To what purpose were it that we are told, "Obedience is better than sacrifice," but that we should neglect one and do the other, when both cannot stand together? and this order of degrees is the full ground of dispensations, when they can be allowed in divine commandments: but in human dispensations there is another, even the want of foresight, the imperfection of the laws themselves which cannot provide for all cases beforehand, as God's laws can; and therefore, to dispense with a subject in a human law is not a doing evil for a good end; for to break a human law is not intrinsically an evil, though no express leave be given, as the case may happen: but when leave is given, as it is in dispensations, then there is no evil at all. And something like this, is that other case of prescriptions, which does indeed transfer a right from a right owner, as it may happen, but this is a doing good and not evil, for it is a preferring a certain possession before an uncertain right; or it is a doing a greater good, that is, a prelation of a title which hath more evidence and public advantage than the other. Besides, it is done by public

consent, in which because every particular is included, there is no evil done, but much is prevented.

7. In actions the material part is to be distinguished from the formality, the work from the affection: that may be wholly indifferent, when this may be wholly criminal. He that drinks till he vomits, by the physician's advice, gives none of his affection to the pleasure of any thing forbidden; he takes it as he takes a potion or pills, which may have the same effect with drink. But when the material part cannot be done without the sense of pleasure which is forbidden, then the end cannot sanctify it: and therefore, although to drink much for physic may be lawful, yet pollution may not be desired for health, because that cannot be done or suffered without an unlawful pleasure; and so also will drinking for health become vicious, if, in the acting of the material part, any part of our affections be stolen away, and the pleasure of the excess be delighted in.

8. He that makes use of the matter of a sin already prepared to which he gives no consent, and which he cannot help, does not do evil for a good end. Thus the prophet called on the priests of Baal to do what they used to do, that they might never do so again: he was no way the cause of a sin, but of its circumstances and adjuncts, that it be done here and now, and this is not against the apostle's rule; time and place are no sins, and make none, unless frequency be added to the time, and holiness to a place,—and then they may add degrees or new instances to the sin; but when neither of these is procured or injured respectively, it is lawful to glorify God by using the prepared sin to good purposes. When a judge is ready to receive money upon any terms, out of this evil we may bring good, and cause him to do a good thing rather than a bad; he does neither well, but that is his own fault; but to give money is a thing indifferent, and to give it for that end which is good, makes it better: and bribery is a word of an ill sound when it means an evil thing, but when it means well we may find a better word for it, or mean well by this: though concerning the particular, it is not amongst men esteemed certain, that it is lawful to give money to a judge: "Sed si dedi," says Ulpian, "ut secundum me in bona causa judex pronunciaret, est quidem relatum condictioni locum esse: sed hic quoque

crimen contrahit. Judicem enim corrumpere videtur: et non ita pridem imperator noster constituit litem eum perdere." Whether it be lawful or no is to be inquired in another place; but as to the present inquiry, if it be lawful, I have accounted for it already; if it be not, it is not to be done, no, not for justice' sake. For in this case we no way consent to the evil, but endeavour to bring good out of that evil which is already in being. Thus we run to a tyrant power for justice, he will govern whether we will or no, the sin will be acted and continued upon his own account; but when the evil matter is thus made ready, we may reap as much good by it as we can bring out of it; and in this sense is that true and applicable to the present which is urged in the objection, that as truth may come from falsehood, so may evil from good; when an ill-gotten power is apt either to justice or injustice, we may draw justice from it, and then we do good without co-operating to the evil: that is, we only do determine an indifferent agent to the better part. The manner of getting the power is wholly extrinsical to the ministration of it: that is wholly the fault of the usurper, but this which is our own act, is wholly innocent. If Nero sets Rome on fire, I do no hurt if I warm by the heat, and walk by the light of it; but if I laugh at the flames, or give a faggot to it, I am guilty. And thus the Christians use the heathens' oaths for their own security; the oath is good, and so far it is desired; that the oath is by a false god, is the heathens' fault; this is effected by these, but the other is only desired by them. This, therefore, is not a doing evil for a good end; it is a desiring of good, and a using the evil matter which is of another's procuring.

9. There are some actions criminal and forbidden in certain states only, as to kill a man is a sin, a private man may not do it; but the same man, when he comes to be a public magistrate, may do it. A private man also may not do it, when he is in the relation and protection of civil society, because in that, the laws are his guards, and the public judges are his defensatives; but if a man sets on me by violence, and so puts himself into a state of war, he, by going from the limits of civil society, takes off the restraint which that society put upon me, and I am returned to the liberties of nature; and there is by all laws a power given a

man to defend himself, by laws, if he can, and if he cannot, then by himself and the means of nature; and, therefore, to kill him that would kill me, is not to do evil for a good end, for the thing is permitted, and therefore not intrinsically evil, and whatsoever is not so, may be accidentally good.

10. Some of the instances are such, which are disallowed by most men; so to tell a lie for a good end is unlawful, upon supposition that a lie is intrinsically evil; concerning which the account must be reserved for its own place: for the present, it is certainly unlawful to lie for any end, if that supposition be true; but if lying be only forbidden for its uncharitableness or injustice, that is, for its effects, then when the end is good, the instrument is tolerable. By these measures all the instances objected can be measured and secured, and by these the rule itself must be conducted. What cannot be excused upon one of these, is wholly to be reproved, as being a direct prevaricating the apostle's rule.

The sum is this: whatsoever is forbidden by the law under which we stand, and, being weighed by its own measures, is found evil; that is, in a matter certainly forbidden, not for any outward and accidental reason, but for its natural or essential contrariety to reason and the law of God, that may not be done, or procured for any end whatsoever. For every such thing is intrinsically and essentially evil, it is evil without change or variety, without condition or circumstance, and therefore cannot be made good by any such thing. What is evil in some circumstances may be good in others, and what is condemned for a bad effect, by a good one may be hallowed; but if it be bad of itself, it can never be good, till there come a cause as great to change its nature, as to make it: the cruelty of a man's habit or his choice can be turned, but a viper will for ever have a venom in his tooth.

But this rule is also to be extended to cases that are duplicate, and relate to two persons. As if two persons affirm or promise contraries; the first upon a presumptive power and authority over the other, and this other upon firm resolution, and by an entire power over him or herself; though I am bound to hinder his promise from passing into fallacy and deception as much as I can, yet I must rather secure my own. The reason is, because he who had no

power over me, could not promise but with a tacit condition; and though he were guilty of temerity and an interpretative breach of promise, yet if the other fails, he is directly and properly guilty. This is still more evident if a father promises his daughter to Titius before witnesses, presuming that his daughter, who is a widow, will yet be ruled by him, though she be at her own dispose; but his daughter hath solemnly sworn and contracted herself to Sempronius. The daughter must be more careful not to break her oath and contract, than, by verifying her father's promise, keep him from a lie; and this was the case of Acontius and Cydippe in Ovid[a],

> Promisit pater hanc: hæc adjuravit amanti.
> Ille homines, hæc est testificata Deam.
> Hic metuit mendax, timet hæc perjura vocari.
> Num dubites, hic sit major, an ille metus?

This case may be varied by accidents intervening, as if the daughter be under her father's power, she hath none of her own to contract or swear: but in an equal power and circumstances, the greater care must be to avoid the greater crime.

These cautions are all which I think necessary for the conducting of a doubting conscience (that is, a conscience undetermined) in its danger and infirmity: but concerning the matter of doubts, that is, indeed, all cases of conscience, they are to be handled under their proper matter. Concerning interpretation of doubts to the better part, obedience to superiors in a doubtful matter, favourable and easy interpretation of laws for the deposition of a doubt, though I was tempted to have given accounts in this place, yet I have chosen to refer them to their own places, where by the method and rules of art they ought to stand, and where the reader will expect them. But concerning the cure of a doubting conscience, this is all that I am to add to the foregoing rules:

A doubtful conscience is no guide of human actions, but a disease; and is to be cured by prayer and prudent advices, and the proper instruments of resolution and reasonable determinations; but for those things which are called doubts, and the resolution of which is the best way to cure the

[a] Heroid. ep. xx. 159. Mitscherl. vol. i. p. 114.

infirmity of conscience, they must be derived from their several heads and categories. For these discourses or advices of conscience in general, are intended but as directions how to take our physic, and what order to observe 'in diebus custodiæ;' but the determining of the several doubts, is like preparing and administering the medicines, which consist of very many ingredients.

CHAPTER VI.

OF THE SCRUPULOUS CONSCIENCE.

RULE I.

A Scruple is a great Trouble of Mind proceeding from a little Motive, and a great Indisposition, by which the Conscience, though sufficiently determined by proper Arguments, dares not proceed to Action,—or if it do, it cannot rest.

"Qui nimis emungit, elicit sanguinem," said Solomon[a]; "Too violent blowing draws blood from the nose;" that is, an inquiry after determination, and searching into little corners, and measuring actions by atoms and unnatural measures, and being over righteous, is the way not to govern, but to disorder our conscience.

That it is a great trouble, is a daily experiment and a sad sight: some persons dare not eat for fear of gluttony, they fear that they shall sleep too much, and that keeps them waking, and troubles their heads more, and then their scruples increase. If they be single persons, they fear that every temptation is a πύρωσις, that 'burning' which the apostle so carefully would have us to avoid, and then that it is better to marry than to suffer it; and if they think to marry, they dare not for fear they be accounted neglecters of the glory of God, which, they think, is better promoted by not touching a woman. When they are married they are afraid to do their duty, for fear it be secretly an indulgence

[a] Prov. xxviii.

to the flesh, and be suspected of carnality; and yet they dare not omit it, for fear they should be unjust, and yet they fear that the very fearing it to be unclean should be a sin, and suspect that if they do not fear so, it is too great a sign they adhere to nature more than to the Spirit. They repent when they have not sinned, and accuse themselves without form or matter; their virtues make them tremble, and in their innocence they are afraid; they at no hand would sin, and know not on which hand to avoid it: and if they venture in, as the flying Persians over the river Strymon, the ice will not bear them, or they cannot stand for slipping, and think every step a danger, and every progression a crime, and believe themselves drowned when they are yet ashore.

'Scruple' sometimes signifies all manner of vexation of the mind; so Cicero [b] uses it, "Hunc mihi scrupulum ex animo evelle, qui me dies noctesque stimulat ac pungit:" "Take this scruple out of my mind which pricks and goads me night and day." So also in St. Jerome's Bible [c]; "Non erit tibi in singultum et scrupulum cordis, quod effuderis sanguinem innoxium:" "It shall not be to thee a cause of grief and scruple of heart, that thou hast shed innocent blood."—But in the present discourse it hath a more limited signification, and according to the use of divines and canonists, means an unquietness and restlessness of mind in things done or to be done, after the doubts of conscience are determined and ended. "Intolerabilem perturbationem," Seneca calls it; a fear of doing every thing that is innocent, and an aptness to do every thing that can be suggested:

> —— nuda ac tremebunda cruentis
> Erepet genibus. Si candida jusserit Io,
> Ibit, &c. [d]

Scruple is a little stone in the foot; if you set it upon the ground, it hurts you; if you hold it up, you cannot go forward; it is a trouble where the trouble is over, a doubt when doubts are resolved; it is a little party behind a hedge, when the main army is broken and the field cleared: and when the

[b] Pro Roscio, c. 2. Beck, vol. i. p. 42.
[c] Reg. 25.
[d] Juven. vi. 525. Ruperti.

conscience is instructed in its way, and girt for action, a light trifling reason, or an absurd fear, hinders it from beginning the journey, or proceeding in the way, or resting at the journey's end.

Very often it hath no reason at all for its inducement, but proceeds from indisposition of body, pusillanimity, melancholy, a troubled head, sleepless nights, the society of the timorous, from solitariness, ignorance, or unseasoned imprudent notices of things, indigested learning, strong fancy and weak judgment; from any thing that may abuse the reason into irresolution and restlessness. It is indeed a direct walking in the dark, where we see nothing to affright us, but we fancy many things,—and the fantasms produced in the lower regions of fancy, and nursed by folly, and borne upon the arms of fear, do trouble us.

But if reason be its parent, then it is born in the twilight, and the mother is so little that the daughter is a fly with a short head and a long sting, enough to trouble a wise man, but not enough to satisfy the appetite of a little bird. The reason of a scruple is ever as obscure as the light of a glow-worm, not fit to govern any action, and yet is suffered to stand in the midst of all its enemies, and like the flies of Egypt vex and trouble the whole army.

This disease is most frequent in women, and monastic persons, in the sickly and timorous, and is often procured by excess in religious exercises, in austerities and disciplines, indiscreet fastings and pernoctations in prayer, multitude of human laws, variety of opinions, the impertinent talk and writings of men that are busily idle: the enemy of mankind by the weaknesses of the body and understanding enervating the strengths of the spirit, and making religion strike itself upon the face by the palsies and weak tremblings of its own fingers.

William of Oseney was a devout man, and read two or three books of religion and devotion very often; and being pleased with the entertainment of his time, resolved to spend so many hours every day in reading them, as he had read over those books several times; that is, three hours every day. In a short time he had read over the books three times more, and began to think that his resolution might be ex-

pounded to signify in a current sense, and that it was to be extended to the future times of his reading, and that now he was to spend six hours every day in reading those books, because he had now read them over six times. He presently considered, that in half so long time more by the proportion of this scruple he must be tied to twelve hours every day, and therefore that this scruple was unreasonable; that he intended no such thing, when he made his resolution, and therefore that he could not be tied: he knew that a resolution does not bind a man's self in things whose reason does vary, and where our liberty is entire, and where no interest of a third person is concerned. He was sure, that this scruple would make that sense of the resolution be impossible at last, and all the way vexatious and intolerable; he had no leisure to actuate this sense of the words, and by higher obligations he was faster tied to other duties: he remembered also that now the profit of those good books was received already and grew less, and now became changed into a trouble and an inconvenience, and he was sure he could employ his time better; and yet after all this heap of prudent and religious considerations, his thoughts revolved in a restless circle, and made him fear he knew not what. He was sure he was not obliged, and yet durst not trust it; he knew his rule, and had light enough to walk by it, but was as fearful to walk in the day as children are in the night. Well! being weary of his trouble, he tells his story, receives advice to proceed according to the sense of his reason, not to the murmurs of his scruple; he applies himself accordingly. But then he enters into new fears; for he rests in this that he is not obliged to multiply his readings, but begins to think that he must do some equal good thing in commutation of the duty, for though that particular instance become intolerable and impossible, yet he tied himself to perform that which he believed to be a good thing, and though he was deceived in the particular, yet he was right in the general, and therefore that for the particular he must make an exchange. He does so; but as he is doing it, he starts, and begins to think that every commutation being intended for ease, is in some sense or other a lessening of his duty, a diminution of his spiritual interest, and a note of

infirmity; and then also fears, that in judging concerning the matter of his commutation he shall be remiss and partial. Now he considers that he ought to consult with his superiors; and as he is going to do so, he begins to think that his superior did once chide him for his scruple, and that now much more he will do it, and therefore will rather seek to abolish the opinion of obligation than change it into another burthen; and since he knows this before hand, he fears lest it shall be expounded to be in him an artifice to get himself eased or chidden out of his duty, and cozened from his obligation. What shall the man do? He dares not trust himself; and if he goes to another, he thinks that this will the more condemn him; he suspects himself, but this other renders him justly to be suspected by himself and others too. Well! he goes to God and prays him to direct him; but then he considers that God's graces are given to us working together with God's Spirit, and he fears the work will not be done for him because he fails in his own part of co-operating; and concerning this he thinks he hath no scruple, but certain causes of fear. After a great tumbling of thoughts and sorrows, he begins to believe that this scrupulousness of conscience is a temptation, and a punishment of his sins: and then he heaps up all that ever he did, and all that he did not, and all that he might have done, and seeking for remedy grows infinitely worse, till God at last pitying the innocence and trouble of the man, made the evil to sink down with its own weight, and like a sorrow that breaks the sleep, at last growing big, loads the spirits, and bringing back the sleep that it had driven away, cures itself by the greatness of its own affliction. In this case, the religion is not so great as the affliction.

But because a scruple is a fear, or a light reason against a stronger and a sufficiently determined understanding, it can bring no other work to the conscience, but that it get itself eased of the trouble, which is to be done by the following rules.

RULE II.

A Conscience, sufficiently instructed by its proper Arguments of Persuasion, may, without Sin, proceed to Action against the Scruple and its weaker Arguings or stronger Tremblings.

This is the best remedy that is in nature and reason. St. Bernard preached rarely well, and was applauded; but the devil, offering to him the temptation of vain glory, he, in his resisting it, began to think that he had better leave off to preach than begin to be proud; but instantly the Holy Spirit of God discovered to him the deception, and the devil's artifice, who would, at any rate, have him leave off to preach; and he answered, 'I neither began for thee, nor for thee will I leave off.' This is a right course in the matter of scruple; proceed to action; and as the reason or the fear in the scruple was not inducement enough to begin, so neither to leave off.

Against a doubting conscience a man may not work, but against a scrupulous he may. For a scrupulous conscience does not take away the proper determination of the understanding; but it is like a woman handling of a frog or a chicken, which, all their friends tell them, can do them no hurt, and they are convinced in reason that they cannot, they believe it and know it; and yet when they take the little creature into their hands, they shriek, and sometimes hold fast, and find their fears confuted, and sometimes they let go, and find their reason useless.

Valerius, of Hippo, being used always to fast till high noon of festivals, falls into an illness of stomach, and is advised to eat something in the morning; all the reason of the world that is considerable and pressing, tells him he may do it lawfully, but because he hath not been used to it, and good people in health do not do it, he is fearful to do that which others do not, that need it not; this is a slight ground, and with it perfectly may stand his practical determination of conscience, that it is lawful for him; which final determination, because it is the next and immediate rule of actions, cannot be impeded by that, which suffers this persuasion still to remain,—because the doing only against such a persuasion can only be a sin; for

that only is the transgression of the immediate law: to do conformably to such determination is to do it with faith; and if the scruple can lessen it, yet it only makes the man the weaker, but cannot destroy the assent.

Add to this, that since scruples do sometimes make men mad, do detriment to our health, make religion a burden, introduce a weariness of spirit and tediousness,—it cannot be a sin to stop all this evil, and directly to throw away the scruple, and proceed to contrary actions.

But this is to be understood only, when the scruple is such that it leaves the conscience practically determined. For if the scruple prevails upon his weakness so far as to rifle the better reasons, the conscience loses its rule and its security, and the scruple passes into a doubt, and the law into a consultation, and the judgment into opinion, and the conscience into an undiscerning, undetermined faculty.

Hither is to be reduced the case of a perplexed conscience; that is, when men think that which part soever of the contradiction they choose, they sin; for though that be impossible to wise men, yet all men are not wise; and if it were impossible in the thing, yet it is certainly possible upon the distempers of some men: and because a man hath contrary reasonings and divided principles within, as our blessed Lord had a natural desire not to die, and yet a reasonable and a holy spiritual desire to submit to his Father's will, and if he please, to die;—so hath every man desires to please an appetite, or secure an interest of secular designs, and a reason to serve the interest of his spirit in spiritual designs: but although, in our blessed Lord, the appetites of nature were innocent and obedient, and the spirit always got a clear victory, and the flesh resisted not, yet in us it is not so: and sometimes spiritual complications do disturb the question, and make the temporal end seem religious or pious; and the contrary pretence is pious too, and yet a duty will be omitted which way soever be chosen, or a sin committed as is supposed: here the case seems hard. It is certain that there is no such case in the world, that it is necessary for a man to sin which part soever he takes,—and unless it be his own fault he cannot think so; but some men are wild in their reasonings, and err in circles, and cannot untie the knot themselves have knit. Some are weary, and many are involved, and more are foolish; and it is as possible for a man to

be a fool in one proposition as in another, and, therefore, his error may be this, that 'which part soever he chooses, he shall sin;'—what is to be done here? is the question.

The case is this: Pratinus, a Roman soldier, turns Christian, and having taken his military sacrament before, and still continuing the employment, he is commanded to put to death certain criminals, which he undertakes, because he is bound to it by his oath. Going to the execution he finds they were condemned for being Christians; then he starts, remembering his sacrament or oath on one side, and his faith on the other; that is, his religion on both; by which he is bound neither to be perjured, nor to kill his brethren: the question is not how he might expedite his doubt, and secure his conscience by choosing the surer part, but what he is to do,—this perplexity remaining, that is, he not being able to lay aside either part of the doubt; for his question is not whether of the two he shall do, but is persuaded that to do either is a high crime.

1. Concerning this, it is evident, that if the cases be equal, and the event not to be distinguished by him in the greatness of its consequent or malice of it, it is indifferent to him which he chooses; and, therefore, there can be no rule given, which he must take, unless he could be convinced of one that it is lawful, and the other unlawful; but in this case that not being to be done, he ought to know, that, in this case, he sins not if he takes either, because all sin is with liberty and choice, at least with complacency: but his error is an infelicity and no sin, if he neither chooses it, nor delights in it, which in the present case he is supposed not to do.

2. But if, in the event of the actions and parts of choice, there be a real or apprehended difference, he is bound to choose that part, which he believes to be the less sin,—this being a justification of his will, the best that can be in the present case; but if he chooses that, which is of worse event, he hath nothing to excuse it.

RULE III.

He that is troubled with Scruples, ought to rely upon the Judgment of a prudent Guide.

The reason is, because his own understanding is troubled and restless, and yet his reason determined; and, therefore, he can but use the best way of cure, which, in his particular, is to follow an understanding that is equally determined as is his own, and yet not so diseased.

Add to this, that God hath appointed spiritual persons, guides of souls, whose office is to direct and comfort, to give peace and conduct, to refresh the weary, and to strengthen the weak, to confirm the strong, and instruct the doubtful; and, therefore, to use their advice is that proper remedy, which God hath appointed. And it hath also in it this advantage, that there is in it humility of understanding, a not relying on our own wisdom, which, by way of blessing and disposition, will obtain of God that we be directed. "Consule bonos, prudentesque viros, et acquiesce eis[a]," was an old advice, and derived from Solomon and Tobit; "lean not on thy own understanding," but ask counsel of all that are wise, and despise not any counsel that is profitable.

RULE IV.

When a Doubt is resolved in the Entrance of an Action, we must judge of our Action afterwards by the same Measures as before: for he that changes his Measures, turns his Doubt into a Scruple.

The reason of the rule is this, that which is sufficient for satisfaction before, is sufficient for peace afterwards. A Christian, in the diocese of Salamis, being faint in his sto-

[a] Antonin. in sum. 1. p. tit. 3. c. 10.

much before the reception of the holy sacrament, disputes whether he may take a cordial or a glass of wine. Upon inquiry, he is told, that to receive the holy sacrament 'virgine saliva,' 'fasting,' is a custom of the church later than the times of the apostles, as appears by the Corinthian usages mentioned by St. Paul; that it having no authority but custom, no sanction but a pious fancy, and a little proportion and analogy of reverence, it ought to yield to the elicit acts of charity: upon this account he being satisfied drinks a little, is well, and communicates with health, and joy, and holiness. But afterwards reflecting upon what he had done, he begins to fear he had not done well; that he had done against the customs of the church, that it was at least infirmity in him, and upon what account with God that should be, which, in his own most gentle sentence, was, at least, infirmity, he knew not; and twenty other little things he thought of, which signified nothing, but did something,—they meant no good, but did great evil: and finding himself got into a net, he calls for help, but is told that he must get out of it by the same way that he came in, and that which was the sufficient cause of his doing the action, was sufficient also for the justification of it, and let him confront the reasons which introduced the action against these flies and little pretensions which disturb his mind, and he shall find that he hath reason to be ashamed of debauching and prostituting his understanding to such trifles and images of argument: for let a man look to his grounds when he begins to act, and when he hath acted, let him remember that he did his duty, and give God thanks. For if any just cause appear, for which he ought to reprove his former determination, that just cause can have no influence upon what is past, if the first proceeding was probable, and reasonable, and disinterest. He knows something which he did not know before; and, for the time to come, is to walk by this newly kindled taper; but if he, in the first instance, walked by all the light he had, he is not tied to walk it over again: for as God will not, of a child, exact the prudence and cautions of a man, but in every age expects a duty answerable to the abilities of it; so it is in all the stages of our reason and growing understanding. According to what we have, and not according to what we have not, we shall give accounts. This is intended to prove, that, if we proceed probably, we are not tied to sorrow and repent-

anee, though afterwards we find a greater reason to the contrary; but this concludes more in the present question of scruple, in which the greater probability goes before, and the less comes after.

But the rule is to be managed with these cautions:

1. Take heed, that, in the beginning, we do not mistake our desires to have it done, for a sufficient warrant that it may. For if we enter in at a wrong door, or at the windows, we must go back, and cannot own that entranee, which was like a thief, or that action which was done with more craft than prudenee.

2. Be not too easy in the arguments of probation. For although in actions concerning our eternal interest, God expects no more of us but that we should talk by the measures of a man; yet we do not perform our duty if we act by the measures of a child or a fool. If we could do no better, the action might be more reprovable than the man; but if we could consider better and wiser than when we reflect afterwards upon what we did before, and find a fault or a sin, a negligenee or an avoidable error in the prineiple, we cannot from thence bring rest and confidenee to our conseiences.

3. Separate your question, as much as you can, from interest,—that your determination and inquiry be pure; and if more arguments occur afterwards than did in the first inquiry, remember that it was well enough at first, if it was probable enough; and for the rest, pray to God to accept you, if you did well and wisely,—and to pardon you in what was done amiss, or negligently, or imperfectly.

RULE V.

A scrupulous Conscience is to be cured by Remedies proper to the Disease, and Remedies proper to the Man.

That is, there are some advices, which are directly intended for the lessening the scruple,—and some others, which take away the scruple by curing the man, and taking off his dis-

temperature. Those which are directly intended against the scruple, besides the rules before described, are these:

Remedies against the Scruple.

1. Let the afflicted and disquiet man often meditate of the infinite goodness of God, and how his justice is equity, and his judgments are in mercy; that he judges us by what we heartily endeavour, but does not put our infelicities into our accounts of sins.

2. Let him be instructed, that all laws, Divine and human, are desirous of sweet and merciful interpretations, and that of themselves they love to yield to necessity and to charity; and that severity and exactness of measures is not only contrary to the goodness, but to the justice of God, who therefore will pity us because we are made of dust, and are a lump of folly and unavoidable infirmities; and by the same justice by which God is eternally angry with the fallen angels, by the same justice he is not finally angry with man for his first follies, and pities all his unavoidable evils.

3. Let it be remembered, that charity is the fulfilling the law, and by the degrees of it a man tends to perfection, and not by forms and tittles of the letter, and 'apices' of handwriting or ordinances. And that if he loves God and does his best, and concerning the doing his best makes the same judgments real and material, that he does of the other actions of his life, he certainly does all that can belong to him, and all that which can be wise and safe. He that acts according to the reason of a man, ought to have the confidences of a man; for no other confidence can be reasonable. That is charity, that we do carefully and wisely, and follow the best we can.

4. Let it be considered that to incline to the scruple, and neglect the stronger reason that stands against it, is to take the worse end, it is to do that which must seem worse; and then it may be remembered, that if the man is afraid and troubled with the trifle, with the scruple, when he hath stronger reason to secure him, if he yields to the scruple and neglects the stronger reason, the neglect of that will run upon him like a torrent and a whirlwind,—and the scruple, or the bulrush will not support his building.

5. Since the very design of the evangelical covenant is, that our duty be demanded, and our sins accounted for, according to the measures of a man, and not by the proportions of an angel; and that all our infirmities and ignorances, and unavoidable prejudices, are taken into account, beside the infinite remissions on God's part,—it will follow, that, by this goodness of God and a moral diligence, and a good heart, we are secured, but we can never be secured by our own measures. For let us weigh never so exactly, we may miss grains or scruples; but to snatch greedily at the little overrunning dust of the balance, and to throw away the massive ingots that sunk the scales down, is the greatest folly in the world.

6. The lines of duty are set down so clear and legible, are so agreeable to reason, so demonstrable upon their proper principles, are so easy and plain, that we need not run into corners, and sneaking by-lanes to find it out: if, by little undiscerned minutes, we were to stand or fall, though now there are but few that shall be saved, yet but a few of those few should escape eternal death. The counsels of God are not like the oracles of Apollo, double in their sense, intricate in their expression, secret in their meaning, deceitful in their measures, and otherwise in the event than they could be in their expectation. But the word of God, in the lines of duty, is open as the face of heaven, bright as the moon, healthful as the sun's influence; and this is certainly true, that when a thing becomes obscure, though it may oblige us to a prudent search, yet it binds us not under a guilt, but only so far as it is or may be plainly understood.

But in the case of a scrupulous conscience, it is not the thing so much that troubles the mind, as the indisposition of the part; the man hath a vicious tenderness; it is melancholy and fear: and as every accident can trouble the miserable, so every fancy can affright the timorous; the chiefest remedies, therefore, must be by applications to the man, to cure his distemper; and then the scruple will work no more than its own activity will enable it, and that is but little and inconsiderable.

Advices to the scrupulous Man.

1. The case of the scrupulous man is full of variety, or uncertainty: so that it is as easy to govern chance, and to give rules to contingency, as to him. In all other cases there is a measure and a limit, and therefore a remedy can be proportioned to it; but in this, fear is the disease, and that alone is infinite; and as it commences oftentimes without cause, so it proceeds without limit. For by what reason it entered in, by the same it may grow; that is, without any cause at all it may increase for ever. But for the remedy, this is considerable; that the worse it is, the better it may be remedied, if we could consider. For when fear is grown so big that it is unreasonable, the cure is ready and plain, that it must be laid aside because it is intolerable, and it may because it is unreasonable. When it comes from a just cause, that just cause is usually the limit of it: but when it is vast and infinite it hath no cause, but weakness, and it appears enough in the instances; for the scrupulous man fears concerning those things, where he ought to be most confident; he fears that God is angry with him for not doing his duty, and yet he does whatsoever he can learn to be his duty. This is a complication of evils, as melancholy is of diseases. The scrupulous man is timorous, and sad, and uneasy, and he knows not why. As the melancholy man muses long, and to no purpose, he thinks much, but thinks of nothing: so the scrupulous man fears exceedingly, but he knows not what nor why. It is a religious melancholy; and when it appears to be a disease and a temptation, there need no more argument against its entertainment. We must rudely throw it away.

2. He that is vexed with scruples, must fly to God by prayer and fasting, that this lunacy and spirit of illusion, which sometimes throws him into the fire and sometimes into the water[a], may be ejected; and the Spirit of God, and the Spirit of wisdom[b], may come in substitution according to the promise so often recorded in the holy Scriptures.

[a] Mark, ix. 22. [b] James, i. 5.

3. Let the scrupulous man change the tremblings of his spirits to a more considerable object, and be sure if he fears little things, let him fear great things greatly; every known sin let him be sure to avoid, little or great; for by this purity he shall seek God, and the things of God, peace and truth, and the honesty of his heart will bear him out from the mischief, if not quit from the trouble of the scruple: at no hand let it be endured that he should think this disease or vicious tenderness in spirit is able to excuse him from his duty in greater things. Some scruple at an innocent ceremony, and against all conviction and armies of reason will be troubled and will not understand; this is very bad;—but it is worse that he should think himself the more godly man for being thus troubled and diseased, and that, upon this account, he shall fall out with government and despise it; this man nurses his scruple till it proves his death; and instead of curing a bile, dies with a cancer: and is like a man that hath strained his foot, and keeps his bed for ease; but by lying there long falls into a lipothymy, and that bears him to his grave.

4. Let the scrupulous man avoid all excess in mortifications and corporal austeritics, because these are apt to trouble the body, and consequently to disorder the mind,—and by the prevailing fond persuasions of the world they usually produce great opinions of sanctity and ignorant confidences of God's favour; and, by spending the religion of the man in exterior significations, make him apt to take his measures from imperfect notices; and then his religion shall be scruple and impertinency, full of trouble, but good and profitable for little or nothing. "Admiratione digna sunt," saith Cardan[c], "quæ per jejunium hoc modo contingunt: somnia, superstitio, contemptus tormentorum, mortis desiderium, obstinata opinio, insania: jejunium naturaliter præparet ad hæc omnia:" "It is wonderful to consider what strange products there are of fasting: dreams, superstition, contempt of torments, desire of death, obstinacy in opinion, and madness; to all these, fasting does naturally prepare us."—And concerning St. Hilarion it is reported by St. Jerome[d], "Ita attenuatus fuit

[c] De verum varietate. Lib. viii. c. 10. [d] Epist. lib. iii.

jejunio et vigiliis, in tantum exeso corpore ut ossibus vix hærebat: unde nocte infantum vagitus, balatus pecorum, mugitus boum, voces et ludibria dæmonum," &c. "That he was so lean and dried with fasting and watching, that his flesh did scarce cleave to his bones: then his desires and capacity of sleep went away, and for want of sleep he must needs grow light-headed, and then the illusions of the devil were prepared and certain to prevail; then his brains crowed, and he heard in the desert children crying, sheep bleating, bulls lowing, and rattling of chains, and all the fantastic noises raised by the devil."—Much to the same purpose is, by St. Athanasius, reported of St. Anthony. It was this excess that made St. Jerome so scrupulous in reading of Tully's orations; it was not an angel, but his own dreams that whipped him from making and reading good Latin and good sense. After long fasting it was that St. Gulslach, of Crowald, fought with the devil; and such irregular austerities have been, in all ages of superstition, the great instrument of Satan, by which his illusions became oracles, and religion was changed into superstition, and the fear of God into timorousness, and inquiry into scruple.

5. Let the scrupulous man interest himself in as few questions of intricate dispute, and minute disquisition, as he can; they that answer fewest, do commonly trouble themselves with most. Curious questions may puzzle every man, but they can profit no man, they are a certain disturbance, they are rebels in the kingdom of the inner man; they are just the same things in speculation which scruples are in practice, and therefore because notice properly tends and directs to action, the increase of them will multiply these. Avoid them therefore; for not these, but things practical, are the hinges of immortality; but the other break the peace of the superior faculties, they trouble the understanding and afflict the conscience and profit, or instruct no man.

6. He that would cure his scrupulousness, must take care that his religion be as near as he can to the measures and usages of common life. When St. Anthony was troubled with a scrupulous conscience, which so amazed him, that he thought it was impossible for him ever to arrive at heaven, an angel came to him in the likeness of an hermit, or rather

an hermit spake to him like an angel, and said, "Nunc paululum laborando manibus, nunc genibus flexis orando, deinde corpus reficiendo, post quiescendo, et rursus iterum operando, Antoni, sic fac tu et salvus eris:" "Sometimes labour with thy hands, then fall on thy knees and pray, then refresh thy body, then sometimes rest, and then labour again; and so thou shalt be saved."—Let us take care that our religion be like our life, not done like pictures, taken when we are dressed curiously, but looking as the actions of our life are dressed,—that is, so as things can be constantly done, that is, that it be dressed with the usual circumstances, imitating the examples, and following the usages of the best and the most prudent persons of his communion; striving in nothing to be singular, not doing violence to any thing of nature, unless it be an instrument or a temptation to a vice. For some men mortify their natures rather than their vicious inclinations or their evil habits, and so make religion to be a burden, a snare, and an enemy. For in scrupulous, that is, in melancholy persons nature is to be cherished in every thing where there is no danger, that is, where she is not petulant and troublesome. Such men have more need of something to repair their house, than to lessen it.

7. Let the scrupulous man take care, that he make no vows of any lasting employment. For the disease that is already within, and this new matter from without, will certainly make new cases of conscience, and new fears and scruples upon the manner, and degrees, and circumstances of performance. Therefore, whatever good thing they intend, let them do it when they can, when it is pleasant, when it is convenient, and always reserve their liberty. For besides that to do otherwise must needs multiply scruples, it is also more pleasing to God, that we make our services to be every day chosen, than after one general choice of them, to have the particulars done and hated.

8. But that I may sum up many particulars in one. The scrupulous man must avoid those companies, and those employments, and those books from whence the clouds arise, especially the books of ineffective and fantastic notion, such as are legends of saints, ridiculously and weakly invented, furnished out for ideas, not for actions of common life, with

dreams and false propositions; for the scrupulous and fearful will easily be troubled, if they find themselves fall short of those fine images of virtue which some men describe, that they might make a fine picture, but like nobody. Such also are the books of mystical theology, which have in them the most high, the most troublesome, and the most mysterious nothings in the world, and little better than the effluxes of a religious madness.

9. Let the scrupulous man endeavour to reduce his body into a fair temper, and enkindle in his mind a great love and high opinions of God and God's mercy, and by proper arts produce joy in God, and rejoicings in the Spirit; let him pursue the purgative way of religion, fight against and extirpate all vicious habits and evil customs, do the actions of virtue frequently and constantly, but without noise and outcries, without affectation and singularity. That religion is best which is incorporated with the actions and common traverses of our life; and as there will be some foolish actions, so there will be matter for repentance; let this humble us, but not amaze us and distract us.

10. Let all persons who are or use to be thus troubled with flies, and impertinencies of reason and conscience, be carefully and wisely instructed in those practical propositions which are the general lines of life, which are the axioms of Christian philosophy, which like the rules of law have great influence in many virtues, and have a great effect towards perfection. For the more severe the rules are, the more apt they are to be the matter of scruple, when they are not understood in their just measures. Such as are, It is the part of a good mind to acknowledge a fault where there is none:—Not to go forward is to go backward:—He that loves danger shall perish in danger:—Hold that which is certain, and let go that which is uncertain.—There are many more, of which I am to give accounts in the next book, and from thence the scrupulous may derive assistances.

Concerning the matter of scruples, I on purpose decline the considering of it here, because either every thing, or nothing of it, is to be handled. A scruple may arise in the doing of every duty, in the remembrance of every action;

and to stop one gap, when the evil may enter in at five hundred, I did suppose not to be worth my labour. I, therefore, reserve every thing to its own place, being content here to give the measures and rules of conscience in its several kinds and differing affections, that is, in all its proper capacities which can relate to action.

OF THE

RULE OF CONSCIENCE,

VIZ.

THE LAWS DIVINE,

AND

ALL COLLATERAL OBLIGATIONS.

BOOK II.

CHAPTER I.

OF THE LAW OF NATURE IN GENERAL.

RULE I.

The Law of Nature is the universal Law of the World, or the Law of Mankind, concerning common Necessities to which we are inclined by Nature, invited by Consent, prompted by Reason, but is bound upon us only by the Command of God.

Ἔστω σοι πρὸ ὀφθαλμῶν γινώσκειν τι νόμος φυσικὸς, καί τι τὰ τῆς δευτερώσεως, said the apostolical constitution[a]; "Be careful to understand what is the law natural, and what is superinduced upon it." The counsel, abating the authority and reverence of them that said it, is of great reasonableness. For all men talk of the law of nature, and all agree that there is such a material law which some way or other is of the highest obligation; but because there are no digests or tables of this

[a] Constit. Apost. lib. i. c. 6.

law, men have not only differed about the number of them, and the instances themselves, but about the manner of drawing them forth, and making the observation: whereas if the law of nature were such a thing as it is supposed generally, these differences would be as strange and impossible, as that men should disagree about what is black, or what is yellow,—or that they should dispute concerning rules to signify when they desire, or when they hope, or when they love. The purpose of the present intendment will not suffer me to make large disputes about it, but to observe all that is to be drawn from it in order to conscience and its obligation.

The Law of Nature.

'Jus naturæ,' and 'lex naturæ,' are usually confounded by divines and lawyers, but to very ill purposes, and to the confusion and indistinction of all the notices of them. "The right of nature, or 'jus naturæ,' is no law, and the law of nature is no natural right[b]." The right of nature is a perfect and universal liberty to do whatsoever can secure me or please me. For the appetites that are prime, original, and natural, do design us towards their satisfaction,—and were a continual torment, and in vain, if they were not, in order to their rest, contentedness, and perfection. Whatsoever we naturally desire, naturally we are permitted to. For natures are equal, and the capacities are the same, and the desires alike; and it were a contradiction to say, that naturally we are restrained from any thing to which we naturally tend. Therefore, to save my own life, I can kill another, or twenty, or a hundred, or take from his hands to please myself, if it happens in my circumstances and power; and so for eating, and drinking, and pleasures. If I can desire, I may possess or enjoy it: this is the right of nature. 'Jus naturæ,' by 'jus' or 'right,' understanding not a collated or legal right, positive or determined, but a negative right, that is, such a right as every man hath without a law, and such as that by which the stones in the streets are mine or yours; by a right that is negative, because they are 'nullius in bonis,' they are 'appropriate to no man,' and may be mine; that is, I may take them up and carry them to my bed of turf, where

[b] Valla Elegant. lib. iv. c. 48.

the natural, wild, or untutored man does sit. But this is not the law of nature, nor passes any obligation at all.

And indeed nature herself makes not a law:

Nec natura potest justo secernere iniquum:

and this opinion Carneades did express, but rudely, and was for it noted by Lactantius. He said there was no law of nature. But the Christians, who for many ages have followed the school of Aristotle, have been tender in suffering such expressions, and have been great promoters of Aristotle's doctrine concerning the τὸ φυσικὸν, 'the natural law.' But indeed Aristotle himself in this was various and indetermined. For in his Ethics[e] he affirms, that some think the natural law to be τὸ μὲν φύσει, ἀκίνητον καὶ πανταχοῦ τὴν αὐτὴν ἔχει δύναμιν· ὥσπερ τὸ πῦρ καὶ ἐνθάδε καὶ ἐν Πέρσαις καίει, "unalterable, and of the same force every where, as fire burns here and in Persia:" and yet he himself makes it mutable, and that is not the same among all nations; for so he in his Rhetorics[d] says, ἐστὶ γὰρ, ὃ μαντεύονταί τι πάντες, φύσει κοινὸν δίκαιον καὶ ἄδικον, κἂν μηδεμία κοινωνία πρὸς ἀλλήλους ᾖ, μηδὲ συνθήκη, that "some do divine" (not demonstrate) "that some things are just or unjust by nature, without any covenant or society;" intimating, that without a covenant or contract, tacit or explicit, there can be no law: and if it depends upon contract, it must be variable as necessity and contingency together; and so he affirms, that there is nothing so naturally just but it is variable; and although the right hand is in most men the strongest, yet in some the left hand is. Τὸ διανεμητικὸν δίκαιον τῶν κοινῶν ἀεὶ κατ' ἀναλογίαν ἐστὶ τὴν εἰρημένην[e]. "Distributive justice is by proportion;" and, therefore, it is variable; and in general he affirms of all justice, τὸ δὲ δίκαιον ἀνάλογον, "justice is in proportion and relation."

For justice is ἀλλότριον ἀγαθὸν, that is, πρὸς ἕτερον, a relative excellency, and, therefore, must suppose society, and a paction or covenant. For "a man cannot be unjust to himself," or to his own goods, which are absolutely in his power[f]: οὐκ ἔστιν ἀδικία πρὸς αὑτόν· and, therefore,

[e] Lib. v. c. 7. Wilkinson, p. 209.
[e] Ethic. lib. v. c. 4. Wilkinson, p. 193.
[d] Lib. i. c. 14. Howell, p. 60.
[f] Ethic. lib. v.

justice, I mean that universal virtue that contains all else within it,

Ἐν δὲ δικαιοσύνῃ συλλήβδην πᾶσ' ἀρετή ἐστιν[g]

is a virtue that hath its being from something superinduced upon nature. Justice is natural, as all virtues are, that is, reasonable and perfective of our nature, and introductive of well-being: but nature alone hath not enjoined it originally, any more than matrimonial chastity was a natural law, which could not be at all before Eve was created, and yet our nature was perfect before. "Justum nihil est non constituta lege," "nothing is just or unjust in itself, until some law" of God or man does supervene: and the Sceptics generally, and, amongst the Dogmatics, Aristippus said, that nothing is just by nature, but only νόμῳ καὶ ἔθει, "by law and custom;" which in what sense it is to be admitted, I shall explicate in the following periods:

Is the universal Law of the World.

Ὁ κοινὸς νόμος, so Aristotle calls it[h]; "The law of mankind" — "Commune omnium hominum jus;"—so Justinian[i]; which is not to be understood of all men in all things absolutely, but especially of all wise or civil nations that communicate with each. Lucretius[k] restrains it to neighbours.

> Tunc et amicitiem cœperunt jungere habenteis
> Finitumei inter se, nec lædere, nec violare.

But many nations have thought, and some think so still, that they may hurt stranger people, the possessors of far distant countries, barbarous and savage people: the Romans, who were the wisest of all nations, did so.

> —— Si quis sinus abditus ultra,
> Siqua foret tellus, quæ fulvum mitteret aurum,
> Hostis erat[l].

"All people whom they called barbarous, or whom they found rich, were their enemies."

[g] Theognis: Gaisford, Poet. Min. Gr. page 217.
[h] Rhetor. lib. i. c. 11.
[i] Lib. ix. ff. de Jure et Justitia.
[k] V. 1018. Eichstadt, page 237.
[l] Petr. Arb. sect. cxix. Antonius, page 363.

But there are some laws of nature which belong to all absolutely, to whom any notice of the true God and of good manners is arrived; particularly those which belong to common religion: but in the laws of justice, the law of nature is more restrained; because it does not only, like the laws of religion, suppose some communications of command from God, but some intercourse with man; and, therefore, are obligatory, or extended in proportion to the proximity and communication. But the law taken in its integrity, or according to its formal reason, is the law of all mankind; for all men in all things are bound to it.

Concerning some common Necessities.

This describes the matter and body of natural laws. For there is nothing by which the laws are denominated natural more than by this, that they are provisions made for the natural necessities of mankind; such are,—To do as we would be done to;—To perform covenants;—To secure messengers of peace and arbitrators;—To be thankful to our benefactors;—and the like: without these a man cannot receive any good, nor be safe from evil.

By this relation, and interchanging reason, it is therefore necessary that these laws should be distinguished from all others, because these and their like proceed from the same principle, are restrained by the same penalties, written in the same tables, have the same necessity, and do suppose something superadded to our nature; and, therefore, that these and their like are natural, and the others are not, must be by relation to the subject matter.

For in these cases and the like, when that which is profitable is made just,—then that which is natural is made a law; that is, when the law tends to the same end whither nature tends, when the faculty or appetite is provided for by obedience to a law, then the law is called natural. For since all good and just laws are profitable, they are laws, civil, or religious, or natural, according as they serve the end of the commonwealth, or of the religion, or of nature. This is evident in the code of the Mosaic law, where all laws, being established by God under the same prince, could have no difference but by their subject matter; and when they did lie in one body, to separate one from the other by proper appel-

latives was not easy, but by their manner of doing benefit, and their material relations.

To which we are inclined by Nature.

That which is usually called 'the law of nature,' is, of itself, nothing else but 'convenientia cum natura rationali,' 'a consonancy to natural reason and being.' Some, in drawing the tables of the natural law, estimate those only to be natural laws which are concerning appetites and actions common to man and beast. "Jus naturale est, quod natura omnia animalia docuit;" said Ulpian[m]: "That is the law of nature, which is, by nature, taught not only to men, but even to beasts;" for they also are under her power,

—— Magnis agitant sub legibus ævum.

The same definition is also given by Aquinas, and many lawyers after Justinian[n], and almost all divines after Aquinas; but Laurentius Valla[o] will, at no hand, endure it: "Nam jus naturale dicere quod natura omnia animalia docuit, ridiculum:" "It is ridiculous to affirm that to be the law of nature, which nature teaches to all living creatures;" such as are, conjunction of sexes for conversation of the kind, nursing and educating children, abstinence from some certain mixtures and copulations, abhorring the conjunction of some very near persons. Concerning which it is, therefore, certain, that though the matter of these laws is hugely agreeable to nature, and some of them are afterwards made into laws, and, for their matter sake and early sanction, are justly called natural (as I have otherwhere discoursed[p]), yet they are made laws in nature only 'dispositivè,' that is, by nature they are made candidates of laws, they are prepared by nature, but completed by God in other ways than by our nature and creation.

The reason is, because that which is natural is one, but these laws admit variety; and amongst wise nations, in several cases, have and have not obligation. The religious, and the priests, and wise men among the Persians, did not account themselves bound by all these, as I shall discourse in the

[m] Lib. i. ff. de Justitia et Jure.
[n] 1. 2 æq. 104. art. 2.
[o] Elegant. c. 48.
[p] See Great Exemplar.

following numbers; and yet they were then to be reckoned amongst the wisest men in the world, because of their great empire and government, which, by reason of their great necessities and communications with mankind, cannot be done without its proportion of wisdom. But if nature did make these into a law, that is, if it comes, by creation, and from thence also the penalty and coercion is derived (for without these there is no law), then it were impossible the wise Persians should think it commendable to do that which others called abominable, since in all those things in which they do a thing which they call unlawful, they, as other men, felt an equal sharpness and pungency of conscience.

But that I may speak closer to the particular, that a thing is common to men and beasts is no indication of a law of nature, but only of a common necessity, instinct, or inclination respectively. For they do it without a law, and therefore, so may we, unless something else besides nature makes it a law to us; for nature or natural desire in them and us is the same; but this desire is in them where a law cannot be, and, therefore, in us also it may be without a law. Beasts do all they can do, and can love, and are no more capable of law than of reason; and if they have instincts and inclinations, it is no otherwise than their appetites to meat, concerning which nature hath determined all, but without proper obligation: and all those discourses concerning the abstinence of beasts, their gratitude, their hospitality, their fidelity, their chastity and marriages, are just like the discourses of those that would make them reasonable. More certain and true is that which was said of old,

Ἰχθύσι μὲν καὶ θηρσὶ καὶ οἰωνοῖς πετεηνοῖς,
Ἔσθειν ἀλλήλους, ἐπεὶ οὐ δίκη ἐστὶν ἐν αὐτοῖς·

"Fishes, and birds, and beasts eat one another, because they have no justice or laws amongst them," said Hesiod[q]; and the like is in Homer[r],

Ὡς οὐκ ἔστι λέουσι καὶ ἀνδράσιν ὅρκια πιστά.

And, therefore, although it is a good popular argument,

[q] Op. et D. 275. Gaisford, p. 22. [r] Il. χ. 262.

which is used against unnatural conjunctions, which is in the Greek epigram[s],

Δέρκεο τῶν ἀλόγων ζώων γένος· ἦ γὰρ ἐκείνων
Οὐδὲν ἀτιμάζει θέσμια συζυγίη, &c.

"Abstain from such impurities, for the very beasts preserve their natural customs and conjunctions inviolate;" yet this is an infinitely uncertain and fallacious way of estimating any particular laws of nature, because it may as well be said to be against the law of nature to be drunk as to be incestuous, upon this account, because cows will drink no more than to quench their thirst; and although in the law of Moses, beasts were put to death if they were instrumental in bestiality or murder, yet this was in 'pœnam Domini,' or a matter of dominion over beasts; and the word 'pœna,' or 'punishment,' was improper, and no otherwise to be understood than that of Suidas, in his story of Nicon, whose statue when an envious person had whipped, to disgrace his memory, because in the Greek games he had won fourteen hundred crowns, the statue fell upon his head and crushed him to death. Τοῦ δὲ οἱ παῖδες ἐπεξίεσαν φόνου ἐπὶ τῇ εἰκόνι, καὶ οἱ Θάσιοι κατεπόντισαν αὐτὴν κατὰ τὸν νόμον τὸν Δράκοντος Ἀθηναίου· "His sons accused the statue as guilty of murder, and the Thasians threw it into the sea; for so was the law of Draco, the Athenian," ὑπερορίζειν φονεύοντας καὶ τὰ ἄψυχα, "to banish every thing that killed a man, though it were wood, stones, or hatchets;" as you may see in Demosthenes[t]. These things were tragical detestations and emblematical prosecutions of the crime; but the men were wiser than to believe it really a punishment to inanimate things. The same is true of beasts in their proportion, whose cruelty, savageness, or violent revenges, is not κακία, but οἱονεὶ κακία, as Origen[u] calls it, "it is like pravity or wickedness."

This thing is so much the more considerable, because it is of use against the pretences and scruples of some persons in things where they ought to be confident. St. Jerome says, that beasts, when they are impregnated, abstain from coition till the production of their young, and that this they do by

[s] Brunck, vol. iii. page 33.
[t] Orat. contr. Aristocratem.
[u] Contr. Celsum.

the law of nature; now, upon this account, to impose a law upon mankind to do so too, is weak and dangerous. But yet not only he[x], but Origen[y], St. Ambrose[z], and Sedulius[a], do argue to the same purpose upon that very ground; most weakly and dangerously exposing married persons to the greater dangers of fornication, and depriving them of all the endearments of society, not considering that those creatures, and those men whose custom was otherwise, or laws different, had, 'vagam libidinem,' or the evil remedy of polygamy. Beasts indeed are so ordered by nature, but without a law; as there is no law for lions to eat flesh, or oxen grass, but yet naturally they do it. A beast may be cruel or lustful, or monstrous and prodigious in the satisfaction of his appetites; but not injurious, or the breaker of any sanction, or laws of justice. There may be "damnum sine injuria facientis datum," says the law[b], and it is instanced in beasts; "Neque enim potest animal injuriam fecisse dici, quod sensu caret:"—"A beast that hath no sense," (that is, no reason) "or perception of lawful or unlawful, cannot be said to do an injury;"—and therefore is not capable of punishment, because he is incapable of a law. So Justin Martyr, or whoever is the author of the questions and answers placed in his works; τὸ ἐπὶ φαυλότητι πράξεως διαβάλλειν τῶν ἀλόγων τὰς φύσεις, οὐκ ἔστιν εὔλογον. "It is unreasonable to exact of beasts the obliquity of their actions, because they have no reason;" it is therefore as unreasonable to make the law of nature to be something common to them and us.

If it be replied, that the lawyers and philosophers mean only, that these material instances, which are common to them and us, are the particulars of the law of nature, and though they be not a law to them, yet the same things which they do naturally, are natural to us, and a law besides, that is, the natural law: besides that this is not usually said by them, we are then never the nearer to know what is the law of nature by this description of it, for all things which they and we do, are not pretended to be laws; as eating and sleeping; and therefore, by what measure any other thing should be a law to us, because they and we do it, is not

[x] Lib. i. contr. Jovin.
[y] Hom. 5. sup. 19. Genes.
[z] Lib. i. Comm. sup. Luc. 1.
[a] In cap. 5. Eph.
[b] Lib. i. ff. si Quadrupes, sect. 3.

signified by this definition, or any explication of it. Let us then try the other measures which are usual.

Invited by Consent.

The consent of nations, that is, public fame amongst all or the wisest nations, is a great signification of decency or indecency, and a probable indication of the law of nature.

Φήμη δ' οὔτις πάμπαν ἀπόλλυται, ἥν τινα πολλοὶ
Λαοὶ φημίξουσι.——[c]

It is not a vain noise, when many nations join their voices in attestation or detestation of an action; and it looks as if it were derived from some common principle, which seems either to be nature, or contract; and then, as in the first case, they are reasonable,—so, in the second, they are directly obligatory. "Quod apud multos unum invenitur, non est erratum sed traditum," said Tertullian[d]; like that of Heraclitus, τὰ κοινῇ φαινόμενα πιστὰ,—if it seems so to the communities of mankind, it is genuine, and natural, and without illusion.

Now this is true up to many degrees of probability; and yet it is rather an index of a permission of nature, than of a natural obligation; it tells us rather what we may do, than what we must, it being more probable that all nations will not consent to an unnatural thing, that is, will not do violence to nature, than that whatsoever they commonly act should be a necessary law, and the measures of nature, or the indication of her sanctions; and yet it is still more probable that the consent of nations is more fit to be used as a corroborative to a persuasion or a kind of actions, than as the prime motive or introduction. Κράτιστον πάντας ἀνθρώπους φαίνεσθαι συνομολογοῦντας τοῖς ῥηθησομένοις, said Aristotle; and "argumentum est veritatis aliquid omnibus videri," said Seneca; it is a great strengthening and a powerful prevailing argument to have all men consent to our opinions and propositions. But it is in many moral instances as it is in the universal opinion, which all mankind hath concerning jewels, where they consent no man knows how, or why: and no man can give a rational account why so great value should

[c] Hesiod, Op. 761. Gaisford, p. 57.

[d] De præscript.

be set upon a diamond, but because it looks prettily and is lasting: and so there are in nature decencies and lasting proportions in moral instances between the conscience and the action: but yet as there is no proper and effective usefulness in diamonds towards the life of man, so neither is there in many instances in which the consent of mankind is very general. And, therefore, this is very far short of a law, and is no certain token of a permissive right of nature, much less of a law or obligation. For,

1. Whole empires have been established and united by violence, and have laws given to them, and they received them in pursuance of the conqueror's interest, and their educations have been formed accordingly. Ninus formed the Assyrian monarchy, and his son was flattered into the reputation of a god, and all the nations under that sceptre consented to the worship of Belus; and all the nations with whom these men conversed, imitated the manners of the 'princeps populus,' and in their banquets, the most modest of their women used to strip themselves stark naked; and it was counted no indecency, but she was rude and uncivil, that did not.

2. There are some nations so wholly barbarous and brutish in their manners, that from their consent we can gather nothing but thorns and wild briers: they are the words of Porphyry, ἐξ ὧν οὐ προσήκει τοὺς εὐγνώμονας τῆς ἀνθρωπίνης καταψεύδεσθαι φύσεως, "from whom we must not learn to belie and abuse the fair inclinations and sentences of human nature." And therefore, if we go to account by the consent of nations, we must thrust out all wild, savage, barbarous, and untaught people, νόμιμον ἐθνικόν ἐστιν, οὐχὶ τὸ βαρβαρῶδες· τὸ γὰρ τοῦ ἔθνους ὄνομα νομικῶς εἰρημένον γενῶν συλλήπτικόν ἐστι νόμοις ὑποκειμένων, said Michael Psellus[e]; "We must into the account of the law of nations take them only who are subject to laws, the well mannered people only:" but then this also will be an infinite uncertainty. For,

3. All nations to the Greeks were barbarous; to the Romans also, all nations but the Greeks and themselves: and to the Jews all were heathens, which to them signified the same thing or worse.

4. And then which are those nations whom we shall call

[e] In Synopsi LL.

'Moratiores,' wise and 'well mannered people?' for this will depend upon our own customs; if they be like our customs, our laws, and manners of living, then we approve them; else we condemn them.

5. But then let us remember also that civility and fair customs were but in a narrow circle, till the Greeks and the Romans beat the world into better manners. Aristotle says[f], that, in his time, in the kingdoms of Pontus, which were very near to Greece, divers nations were eaters of man's flesh, such as were the Achæans and Heniochans, and divers amongst the Mediterraneans were worse than they.

6. The greatest part of the world were undiscovered till this last age; and amongst them the 'Jus gentium,' was to sacrifice one another to dæmons; for all the old navigations were by maritime towns, and the in-lands either were left alone in their own wilder manners, or it is not known what civilities they had. So that the 'Jus gentium' must needs have been an uncertain thing, variable and by chance, growing by accidents, and introduced by violence, and therefore could not be the measure of the law of nature.

7. Add to these, that the several nations of the world had customs of their own, which commencing upon uncertain principles, have been derived to their posterity, and retained with a religious fancy; becoming natural and proportionable to their fancies and their fears, and they would rather die than do an act of violence to them, and believed it to be the greatest impiety in the world to break them. Herodotus tells a full instance of this in a trial made by Darius to the Indians and Greeks. He asked the Greeks, 'what they would take to do as the Indians did, who ate their dead parents[g] and friends, and accounted it the most honourable burial?' they answered, 'They would not do it at any price.' And when he asked the Indians, 'upon what conditions they would be induced to burn the bodies of their fathers, and not to eat them,' they desired him not to speak to them of any such horrid impiety as to burn their fathers' carcases, and to deny to them the honour of a natural burial in the bowels of their dear children.—ἔθος Δαίμων. 'Custom is the genius' or spirit of a man's actions, and introduces a nature, a facility, a delight, and religion itself. Καί γὰρ τὸ εἰθισμένον, ὥσπερ

[f] Lib. viii. Polit. c. 4.

[g] In Thalia, 99.

πεφυκὸς ἤδη γίγνεται· ὅμοιον γάρ τι τὸ ἔθος τῇ φύσει· ἐγγὺς γὰρ τὸ πολλάκις τῷ αἰεί· ἐστὶ δ', ἡ μὲν φύσις, τοῦ αἰεί· τὸ δὲ ἔθος, τοῦ πολλάκις[h]. Custom is as nature, and that to which we are accustomed is like that which we were born. "For that which is often, is next to that which is always." It is nature which is always, that is custom which is frequent. It is possible, that nature, in many things, should be altered, and it is very difficult that custom should, in any thing; we have seen and heard it in a great instance in a few ages last past. For when some of the reformed doctors, by their private authority, did twice attempt it, and the church of Rome did twelve times publicly endeavour it, to get the Greeks to forsake the customs of their churches, and to reform themselves by their copy,—they were all repulsed; and if the Greek prelates should take the people off from their old customs, besides that the great Turk would do them a mischief for complying with the western Christians his enemies, the people themselves would endanger all their religion and turn Turks, if they once did learn that their old customs were not necessary religion: and therefore, they chose to stick secure in their religion, though allayed with some errors, than, for the purchase of a less necessary truth, endanger the whole religion by taking the people off from their 'jura gentis,' the 'customs of their nation.'

8. Some nations do refuse to admit of some of those laws, which others call 'the laws of nature,' and such which indeed were given to all the nations of the world.

——— Non fœdera legum
Ulla colunt, placidas aut jura tenentia mentes[i].

And excepting the care of children, to which by natural likeness and endearments we love to be obliged, and so less stand in need to be tied to it by a law, excepting this I say, to which beasts also do as well as we, some wise persons have observed that in all things else we are at liberty, that is, naturally tied to no law.

Εἷς γάρ τις ἐστὶ κοινὸς ἀνθρώποις νόμος,
Καὶ θεοῖσι τοῦτο δέξαν, ὡς σαφῶς λέγω,
Θηρσίν τε πᾶσι, τέκνα τίκτουσιν φιλεῖν.
Τὰ δ' ἄλλα χωρὶς χρώμεθ' ἀλλήλων νόμοις[k].

[h] Arist. Rhetor. l. i. c. 11. Holwell, p. 50.
[i] Val. Flacc. iv. 102. Wagner, p. 102.
[k] Eurip. Dictys. 8. Priestley's Edition of Eurip. vol. vii. p. 604.

But the instances will make greater indication of this than any man's affirmative. The Idumæans are thieves and murderers, and will not believe that they do amiss: the manner of their nation is to live very much upon robbery, and plundering merchants; and, in Homer's time, there was a nation of pirates; οὐκ ἄδοξον ἦν παρὰ τοῖς παλαιοῖς τὸ λῃστεύειν, ἀλλ' ἔνδοξον, said the scholiast[1]; "They thought it no disparagement to steal, but an honourable and a glorious thing;" and it is worse now, and hath been growing so ever since Nimrod's time. Men account it lawful to kill and steal, if they do it by nations, by companies, and armies, and navies: and Cato had reason to complain, "Fures privatorum furiorum, in nervo atque in compedibus ætatem agunt, fures publici, in auro atque in purpura;"—and particularly A. Gellius[m] tells of the Egyptians that they allow of thefts; and the wiser Lacedæmonians, a sober and a severe people, taught their young men to steal without covetousness; so they pretended, not to enrich themselves, but to encourage them to fight the better by plundering well. Pomponius Mela[n] tells of the Augitæ, a nation in Africa whose custom it was that every bride should be prostitute to all comers the first night, and she who had entertained most, was most honoured: and Solinus[o] tells of the Garamantici, that they know no marriages; and therefore children only own their mothers, for they can hardly guess at their fathers. And indeed the old world did do such vile things, contracted such base customs, so delighted in wickedness, that as they highly provoked God to anger, so they left it impossible to judge of the laws of nature by the consent of nations. Catullus complains severely of this popular impiety:

> Sed postquam tellus scelere est imbuta nefando,
> Justitiamque omnes cupida de mente fugarunt;
> Perfudere manus fraterno sanguine fratres;
> Destitit exstinctos gnatus lugere parentes;
> Optavit genitor primævi funera gnati,
> Liber ut innuptæ potiretur flore novercæ;
> Ignaro mater substernens se impia gnato,
> Impia non verita est divos scelerare penates:
> Omnia fanda, nefanda, malo permixta furore
> Justificam nobis mentem avertere Deorum[p].

[1] See Ernesti's Homer. Odyss. γ 73.
[n] Lib. i. c. 8.
[p] Epithal. Pelei et Thetidos. Carm. 64.
[m] Lib. xi. cap. 18.
[o] Cap. 4.
Doering, vol. i. p. 341.

"The whole earth grew so impure and degenerous, that they drove justice from them as their enemy: brothers washed their hands in their brothers' blood; the sons mourned not at their father's funeral; and the father wished the death of his eldest son, that he might lie with his son's wife; the mothers would steal secretly into the embraces of their sons; and they feared not to break the laws of hospitality, or custom, or nature, or societies."—Now from hence it will be impossible to derive our customs, and so to suppose them to be laws of nature, which are openly destructive of justice. And upon this last instance it appears that the saying of Polybius will be of no use to us in this question: δεῖ δὲ σκοπεῖν ἐν τοῖς κατὰ φύσιν ἔχουσι μᾶλλον τὸ φύσει, καὶ μὴ ἐν τοῖς διεφθαρμένοις. That "for the laws of nature we must seek amongst them that live according to nature, not amongst them whose natures are depraved by custom;"—since as Andronicus of Rhodes was wont to say, "He lies not that says honey is sweet, though a sick man refuses it as bitter and unpleasant;" so is the law of nature perfect and immutable in those nations who are endued with a sound mind and a sober judgment. This indeed is true, but how this can be reduced to practice, will be found inexplicable, and the thing itself impossible, since the Lacedæmonians, the wisest and severest amongst all commonwealths, permitted such natural injustices, and would breed children upon their own wives by strangers, that they might have a good and a handsome breed.

9. Some tyrants have made laws to serve their lusts, or their necessities; and these things have come into customs, and laws of nations, and sometimes have been suppressed, or spent in desuetude. It was the case of Seleucus [q], who, in the necessity of his son Antiochus, gave him his own wife, and made it a law for the future, which thing either was instantly disgraced or rejected; or else St. Paul had not heard, or had not taken notice of it; for he thought it such a fornication as was "not so much as named amongst the Gentiles, that one should have his father's wife:" indeed, it was not named 'inter cordatiores,' or those with whom he had conversed; but in Syria, and in the Pontic kingdom before his time, it had been named, and practised, and passed into

[q] Appian de Bel. Syr.

a law; and yet that kingdom consisted of two and twenty nations of distinct languages. There was another instance like it spoken of by Cicero[r], that a woman married her daughter's husband, which exactly was the same undecency and incestuous approach. "Nubit genero socrus, auspicibus nullis, nullis auctoribus, funestis ominibus. O mulieris scelus incredibile, et, præter hanc unam, in omni vita inauditum!" Something like St. Paul's ἥτις οὐδὲ ὀνομάζεται, but yet sometimes it was done, and not only before his time, but long after this monition also, as it was in the case of Antonius Caracalla: "Matrem duxit uxorem; ad parricidium junxit incestum:" so Spartianus. Now concerning these things, how can any man from hence take an estimate of the law of nature; for this cannot be of the law of nature, which hath in it so unreasonable and unnatural complications: and yet by what rule shall we judge of nature's law, since the wisest persons, even Socrates and Cato, did such things which they thought fit, and we call unreasonable,—for they gave their wives to their friends, as a man lends his beast for his neighbour's use.

10. There are some nations so used to a rude unmannerly pride and fierceness, that all civility seems softness and effeminacy. To this purpose is that which Tacitus[s] reports of the son of Phraates the Parthian, who being bred up with Tiberius and efformed into the Roman civilities, was, by the prince his friend, sent to the kingdom of Parthia; but in the young gentleman Vonon there were presently observed easiness of access, a fair civil deportment and affability; "obvia comitas:" but these virtues, being unknown to the Parthians, were "nova vitia;" and because they were unknown to their ancestors, "perinde odium pravis et honestis," the good and the bad amongst them did equally detest them.

11. Some nations have left their good customs and taken up bad, and have changed their natural reason into unnatural follies, and the basest sins have been very general; and when God warned the Jews to take heed of the manners of their neighbour nations, he enumerates vile lusts, which were the national customs, for which, God affirms, that he ejected them from their habitations.

r Orat. pro Cluent. § 5. Beck, vol. iii. p. 14. s Annal. Brotier. lib. ii. § 2.

12. Lastly, there is no consent among nations in their customs, nor ever was, until a higher principle made a law and tied it on with penalties; such as were conquest, necessity, contract, reputation, decrees of princes, or the laws of God, or of a religion. νόμος καὶ δίκη ἄνω καὶ κάτω φέρεται διασπώμενα καὶ σπαρασσόμενα[t], and neither nation with nation, nor man with man, nor a man with himself does long agree.

Indeed there are some propositions which all the world agrees upon, such as are, the immortality of the soul, and that there is a God. Ταῦτα ὁ Ἕλλην λέγει, καὶ ὁ βάρβαρος λέγει, καὶ ὁ Ἠπειρώτης, καὶ ὁ θαλάττιος, καὶ ὁ σοφὸς, καὶ ὁ ἄσοφος [u]. "The Greek and the Barbarian, the Epirot and the maritime, the wise and the unwise, agree in the belief and profession of a God:" but when these things come to manners and customs, they differ infinitely; and as they anciently chose several gods, so they did not agree in the manner of worshipping their gods; some they worshipped by praises, and some by railing, some by giving sacrifice, some by throwing stones; and so it was in other things. Some were observant of their parents,—and some knocked them on the head with clubs when they came to a certain age, as is to be seen in Ælian; and even in the taking care and educating their children, in which nature seems most to have made a law, and signified it with the consent of nations, yet even in this also there was variety, and no universal law naturally established. For some nursed their children, and some did not; sometimes they were left to their mothers without any provision made by their fathers; sometimes the fathers took them from their mothers; but however, yet this cannot be properly derived from a 'jus gentium;' for if it be a right or a law at all, it is a 'lex singulorum,' it 'belongs to single persons' and to families, and is common to man and beast, and hath a necessity in nature, as it is necessary to eat or sleep, and is as necessary to families as the other are to single persons: but where there is a necessity, there needs no law, and cannot properly be any.

From all which I conclude that the 'jus gentium,' the law of nations, is no indication of the law of nature[x]; neither

[t] Maxim. Tyr. Dissert. 1. Davis, p. 4. line 2 from the bottom.
[u] Max. Tyr. Diss. 1. Davis, pag. 6. line 8 from the top.
[x] See the Preface to the Great Exemplar, n. 23.

indeed is there any 'jus gentium' collectively at all; but only the distinct laws of several nations; and, therefore, it is to be taken distributively; for they are united only by contract, or imitation, by fear, or neighbourhood, or necessity, or any other accident which I have mentioned. And in those things in which they have agreed tacitly, or expressly, they have no obligation but what they bring upon themselves, as penalties, forfeitures, obloquies, and the like: which they as easily shake off when they have power, and when it is for their profit; and we see it in those who have killed heralds or ministers of peace and of religion; which we say commonly is against the law of nations; that is, it is against the custom of them, because to do so is to no purpose, a spleenish ineffective malice; and, therefore, although of no usefulness, and consequently seldom done, yet it hath been sometimes, and no punishment follows, and therefore it is no law.

Now that this opinion may not wholly seem new, I find something of it affirmed by Constantinus Harmenopulus[y], ἐθνικὸς δὲ νόμος ἐστὶν ᾧτινι ἔθνος ἔν, ἢ ἔθνη χρῶνταί τινα. "The law of nations is that which one or more nations use;"—and he instances in not marrying their nearest kindred, amongst the Greeks and Sauræ [Sarmatæ, I suppose] or else to marry them as the Persians use. But this only, where it happens that nations do consent in great proportions, it confirms our assent to the law, and publishes its being natural, in case that of itself it be so.

Prompted by Reason.

Cicero[z] defines the law of nature to be, "Recta ratio naturæ congruens, diffusa in omnes, constans, sempiterna:" "That right reason which is consonant to nature, which is in every one always and the same, that is the law of nature:" so he, and from him Lactantius; but that is not exactly true. Right reason is the instrument of using the law of nature, and is that by which together with the conscience (which is all reason) we are determined to a choice and prosecution of it ourselves, or to a willingness of obeying the obliging power. τοὺς θείους νόμους ὑποδέχεται λογισμὸς, καὶ δικαστὴς ἄγρυπνος γίνεται· "Reason entertains the Divine laws of nature,

[y] Lib. i. tit. 1. Prochir.

[z] De Republ. iii.—Priestley's Cicero, vol. vii. page 998.

and so is made a most vigilant Judge," said Hierocles[a].—This is that which distinguishes us from beasts, and makes us capable of laws:

> ——— Separat hoc nos
> A grege mutorum, atque ideo venerabile soli
> Sortiti ingenium, divinorumque capaces,
> Atque exercendis, capiendisque artibus apti,
> Sensum à cœlesti demissum traximus arce[b].

But reason is not the law, or its measure; neither can any man be sure, that any thing is a law of nature, because it seems to him hugely reasonable; neither if it be so indeed, is it therefore a law. For it is very reasonable that every man should choose his own wife, because his interest is the greatest: that every man should suffer as much evil as he does; that a man be not punished for evils that he cannot help; that every man should suffer for his own fault, and no man for the fault of another; and yet these are not laws in all places where they are reasonable. Pythagoras in Laertius[c] said that which was very reasonable: "Plantæ mansuetæ non nocendum, veluti neque animali, quod non noceat hominibus;" "A man may not hurt a gentle and a sweet plant, much less, a harmless and a profitable beast."—Truly, it is unreasonable a man should: but if he does, he breaks no law by the mere doing such an action. For reason can demonstrate, and it can persuade and invite, but not compel any thing but assent, not obedience, and therefore it is no law.

But besides this, reason is such a box of quicksilver that it abides no where; it dwells in no settled mansion; it is like a dove's neck, or a changeable taffata; it looks to me otherwise than to you, who do not stand in the same light that I do: and if we inquire after the law of nature by the rules of our reason, we shall be uncertain as the discourses of the people, or the dreams of disturbed fancies. For some having (as Lucian* calls it) "weighed reasons in a pair of scales," thought them so even, that they concluded no truth to be in the reasonings of men; or if there be, they knew not on which side it stood, and then it is, as if it were not

[a] Needham, p. 156, uppermost line. [b] Juv. Sat. 15. 142.
[c] Longol. vol. ii. p. 892. * Vit. Auct. c. 27. Bipont. vol. iii. p. 114.

at all; these were the Sceptics: and when Varro reckoned two hundred eighty eight opinions concerning the chiefest good or end of mankind, that were entertained by the wisest and most learned part of mankind, it is not likely that these wise men should any more agree about the intricate ways and turnings that lead thither, when they so little could agree about the journey's end, which all agreed could have in it no variety, but must be one, and ought to stand fair in the eyes of all men, and to invite the industry of all mankind to the pursuit of it.

And it is certain, that the basest of things have been by some men thought so reasonable, that they really chose it, and propounded it to others. And this is the less wonder, when we consider, that in defiance of all the consenting reasons, and faith of all the nations of the world, some few single persons, wittier than folly, but not so wise as reason or religion, should say that there is no God: such were Diagoras Milesius, Theodorus Cyrenaicus, Protagoras: and it is thought, Lucian also: but they that think so, must also consequently believe that nothing is dishonest that they can do in private, or with impunity. Some have believed that there is nothing in itself just, but what is profitable: so did Carneades (whom I before noted out of Lactantius), and so Aristippus.

Now here it is not sufficient to say, that in this inquest after the law of nature by the proportions of reason, we must exclude all unreasonable, brutish, and monstrous persons. For first the question will return, who those are which are unreasonable? and we are not to reject the opinion upon pretence it is unreasonable, unless we first know some certain measures of reason: now we cannot take our measures of reason from nature; or if we do, we cannot take the measures of nature from reason: that is, if we call men unreasonable because they speak unnatural things, then it must be certain that what is natural or unnatural, is known some other way than by the proportions of reason; for the reason being misliked for its disproportion to nature, the laws of nature must be foreknown, and therefore are not to be proved by that which comes after: besides this, I say, the wisest of men in their profession, and such as were no fools in their persons, so far as can appear by all their other discourses, have believed the

worst of crimes to be innocent, and to have in them no natural dishonesty. Theodorus allowed of sacrilege, and so do thousands who at this day call themselves Christians: Plato allowed adultery, and community of wives; so did Socrates and Cato. Zeno and Chrysippus approved of incest, and so did the Persians: so that we may well say as Socrates to Phædon: "when we hear the name of silver or iron, all men that speak the same language, understand the same thing: but when we speak of good and evil, we are distracted into various apprehensions, and differ from each other and from ourselves." We say as Pilate said of truth, 'What is truth?' we cannot tell what is true, and what is good, and what is evil; and every man makes his own opinions to be laws of nature, if his persuasion be strong and violent. Tertullian[d] complained that the old philosophers did so: "leges naturæ opiniones suas facit philosophia." And yet it is without all peradventure, that all laws which are commonly called natural, are most reasonable; they are perfective of nature, unitive of societies, necessary to common life, and therefore most agreeable to reason. But if you make an ἀνάλυσις of these, and reckon backward, you cannot wisely and demonstratively reckon from reason, or consent, or natural inclinations, up to natural laws.

But the last clause of the rule finishes this whole question.

Bound upon us by the Command of God.

For when God made man a free agent, he by nature gave him power to do all that he could desire; and all that is 'jus naturale,' 'a natural right or power:' and it needs no instances; for it is every thing he could desire in eating and drinking, and pleasures, and rule, and possession: but the law was superinduced upon this. Right is liberty, but law is a fetter; nature is free to every thing which it naturally desires, τὸ ἐλεύθερον τὸ μηδενὸς ὑπήκοον, ἀλλὰ πράττειν ἁπλῶς τὰ δοκοῦντα αὐτῷ, said Dio Chrysostomus: "That is the right of nature, to be free, to be subject to no law, to do absolutely whatsoever pleases us." This is φυσικὴ εὐχέρεια (as the law calls it) συγχωροῦσα πράττειν ἃ βούλεται, "A natural liberty permitting us to do what we list."—"Libertatis proprium est, sic vivere

[d] Lib. de anima, c. 2.

ut velis," said Cicero [e]: "It is not liberty unless you live as you please:" but servitude is not by nature, therefore liberty is [f]. For where nature hath an appetite, and proper tendency, it cannot deny to it self satisfaction; whatsoever therefore is a law and a restraint to it, must needs be superinduced upon it: which nature herself cannot be supposed to be willing to do; and nothing had power to do but God only, who is the Lord of nature.

——— Κρονίων
Ἀνθρώποισι δ' ἔδωκε δίκην, ἡ πολλὸν ἀρίστη.

It was God that gave justice to mankind: he made justice by his sanction.—This was expressly the sentence of Cicero, speaking of the law of nature: "Est recta, et à numine Deorum tracta ratio, imperans honesta, prohibens contraria [h]:" and again, "Lex vera atque princeps, apta ad jubendum et ad vetandum, ratio est recta summi Jovis *." The law of nature is a transcript of the wisdom and will of God written in the tables of our minds, not an εὕρημα βίου καὶ χρόνου, a product of experience, but written with the finger of God, first in the tables of our hearts. But those tables we, like Moses, brake with letting them fall out of our hands, upon occasion of the evil manners of the world: but God wrought them again for us, as he did for Moses by his spirit, in all the ages of the world, more or less, by arts of instruction and secret insinuation, by all the ways proportioned to a reasonable nature; till from an inclination it came to a firm persuasion, and so to a law: God, in this, ruling in our hearts something after the manner by which he reigns in heaven, even by significations of what is fit, by inspirations and congenite notices, by natural necessities: but this thing was yet no law till God also had signified it to men, after the manner of men, that is, by discourse and human communications, by something that taught them, and obliged them.

The sense of this is, that religion is the first and greatest bond of laws, and necessity is the next: for though many time it prevails more than religion, yet it is not always in-

[e] Off. lib. i. c. 20. sect. 12. Heusinger. p. 171.
[f] Lib. v. D. de statu hominum. Institut. de jure personarum Sect. et libertas.
[g] Hesiod. Op. et D. 276. Gaisford, p. 22.
[h] Philipp. xi. c. 12. Priestley's Cicero, vol. iii. p. 1510.
* De leg. i. end of c. 4.

cumbent; and that, which is necessary to society, is inconvenient in some cases; and when power comes in, and need goes out, there is nothing which can make or continue the law: and it were impossible, that all the world should acknowledge any lawgiver but God; for nothing else could be greater than all mankind, nor be trusted in all cases, nor feared but he alone. And, therefore, the heathen princes, when they gave their laws, gave them in the name of a deity. So Numa, Lycurgus, and others; which was not a design to scare fools and credulous people, but in some instances (excepting only that they named a false God) was a real truth; that is, in all those things which commanded natural justice, honesty, and decencies: for these were really the laws of the true God.

For the law of nature is nothing but the law of God, given to mankind for the conservation of his nature, and the promotion of his perfective end. A law of which a man sees a reason and feels a necessity: God is the lawgiver. Practical reason or conscience is the record, but revelation and express declaring it was the first publication and emission of it, and till then it had not all the solemnities of law, though it was passed in the court, and decreed, and recorded.

And this is the perfect meaning of those words of St. Paul, "But for the law I had not known sin;" that is, although by natural reason and the customs of the world I had, or might have, reasons to dislike many actions; yet till the law declared it, I could not call any thing a sin, and if St. Paul could not, neither could the Gentiles: their nature was alike, and St. Paul had advantage in education, and yet his nature could not instruct him in the names and differences of good and evil: therefore, neither could the Gentiles know it merely by nature. But yet a man may "become a law unto himself:" so St. Paul observes of the Gentiles, who, "not having a law, do by nature the things contained in the law, and so become a law unto themselves." So does every man who believes any thing to be necessary, though it be not so: yet 'he becomes a law to himself,' because, by his conscience and persuasion, he makes to himself a law or obligation: much more might the Gentiles do so; in whose nature the aptnesses to do justice and

disposition to laws were concreated with their understandings. Well might they 'become a law unto themselves' in these natural instances; for if opinion can make a law to ourselves in an unlawful matter, much more may it do so in a matter that is so agreeable to our nature, so fitting, so useful, so prepared to become a law, that it wants only the life of authority, sanction, and publication: but though the Gentiles became a law unto themselves, by this means, yet their natural reason was not yet framed into a law, till God's authority, either by his express declaration, or by the conscience of the man, that is, directly or indirectly, did intervene: "testimonium reddente conscientia," so St. Paul; "their conscience bearing witness:" for either God published these laws by express declaration and voices, or else by imprinting upon the conscience such fears and opinions, that passed upon the man the reverence and obligation of laws. In both these there was variety: though in the latter there was, amongst the better sort of men, a more regular and universal influence and effect: and although it is very probable that all the measures of justice and natural laws of honesty were expressly published to the patriarchs of the great families of the world, yet when some of the posterity lost their tradition, these laws were maintained by more imperfect relations, and kept up by fears and secret opinions which the Spirit of God, who is never wanting to men in things necessary, was pleased, in his love to mankind, to put into the hearts of men, that men might be governed by instruments which would not fail.

Thus St. Jerome affirms *, that Pharaoh knew his sins by the law of nature: and of this it was that Tertullian affirmed [i], "Ante legem Moysi scriptam in tabulis lapideis, legem fuisse contendo non scriptam, quæ naturaliter intelligebatur et à patribus custodiebatur: nam unde Noe justus inventus est, si non illum naturalis legis justitia præcedebat? Unde Abraham amicus Dei deputatus, si non de æquitate et justitia legis hujus naturalis?" By this the fathers lived, by this Noah was found just, and Abraham the friend of God: for this, though not written in tables of stone, yet it was written in the tables of their hearts; that is, it was, by God, so im-

* Epist. 151. ad Algas. q. 8.

[i] Adv. Judæos, c. 2.

printed in their consciences, that they were, by it, sufficiently instructed how to walk and please God: and this is that which was said by Antigone [k], in Sophocles, and which Apollonius did use against the edict of Nero.

Οὐ γάρ τί μοι Ζεὺς ἦν ὁ κηρύξας τάδε,
Οὐδ' ἡ ξύνοικος τῶν κάτω θεῶν Δίκη,
Οἳ τόνδ' ἐν ἀνθρώποισιν ὥρισαν νόμους.
Οὐδὲ σθένειν τοσοῦτον ᾠήμην τὰ σὰ
Κηρύγματ', ὥστ' ἄγραπτα κἀσφαλῆ θεῶν
Νόμιμα θνητὸν ὄντ' ὑπερδραμεῖν.
Οὐ γάρ τι νῦν τε κἀχθὲς, ἀλλ' ἀεί ποτε
Ζῇ ταῦτα, κούδεὶς οἶδεν ἐξ ὅτου 'φάνη.

"This is a thing which neither heaven nor hell hath taught by any new or express sanction: for God hath given us other laws. But never did I think that thy commands could ever prevail so, that it could be possible that thou, being a mortal man, should prevaricate the unwritten and potent laws of God. For these laws are not of to-day or yesterday, but they are eternal, and their principle is secret, and from within."

And, therefore, Philo says, the law of nature is a law, ὑπ' ἀθανάτου φύσεως ἐν ἀθανάτῳ διανοίᾳ τυπωθεὶς, "engraven in an immortal understanding by an immortal nature." In this whole affair, God is as the Sun, and the conscience as the eye: or else God, or some angel from him, being the 'intellectus agens,' did inform our reason, supplying the place of natural faculties, and being a continual monitor (as the Jews generally believe, and some Christians, especially about three or four ages since), which Adam de Marisco was wont to call 'Elias's crow:' something flying from heaven with provisions for our needs. And the gloss, and Gulielmus Parisiensis, and, before them, Maimonides, from whom, I suppose, they had it,—affirm this to be the meaning of David, in the fourth psalm, "Offer the sacrifice of righteousness;" it follows, "Quis monstrabit?" "Who will show us any good?" who will tell us what is justice, and declare the measures of good and evil? He answers, "Signatum est super nos lumen vultus tui, Domine," "thou hast consigned the light of thy countenance upon us," "ut scilicet," as it is

[k] Antig. 455. Erfurdt, pag. 31.

in another psalm, " in lumine tuo videamus lumen," " that in thy light we may see light."

The effect of all which, is this only,—That God is our Lawgiver, and hath made our hearts to be the tables of the laws of nature, that they might always be there under our eye, legible and clear. It is not a law for being placed there; but God first made or decreed it to be a law, and then placed it there for use and promulgation: and although very many men and nations had no intercourse with God as a Lawgiver, but what they have by the means of their conscience, that is, they never heard God speak, had no prophets, no revelation, and have forgot the tradition of their fathers; yet when God, by ways undiscernible, hath written a proposition there, and that the man does believe any thing to be good or evil: it is true that God is his Lawgiver, because he only is Lord of his conscience: but it is also true, that 'he becomes a law unto himself:' that is, he becomes obliged to God by the act of his own conscience; and however it be that his conscience be wrought upon, though by a fancy or a fear, a sad sight or a casual discourse, if it works the conscience into the notice and obedience of a natural law, the meaner the instrument is, the greater is the efficacy of the principal agent. The putting it into the conscience is a sufficient promulgation of the law, however that be done; but nature alone never does it; the express voice of God, tradition, prophets, contract, providence, education, and all sorts of influence from God, and intercourse with man, have their portion in this effect. And when wise men say, 'this is naturally understood;' it must mean thus,—naturally men find it reasonable, but not naturally to be a law: naturally they consent to it, but not naturally find it out; or naturally we may be instructed, but not naturally bound: but when God changes science into conscience, then he makes that which is reasonable, to become a law.

But first or last, this way or another, it became a law only by the authority and proper sanction of God; God is the author of our nature, and made a law fit for it, and sent the principles of that law together with it: not that whatsoever is in nature or reason is, therefore, a law because it is reasonable, or because it is natural; but that God took so much of prime reason as would make us good and happy,

and established it into a law; which became and was called the law of nature, both because, 1. These laws are 'in materia naturali;' that is, concerning the good which refers to the prime necessities of nature; and also because, 2. Being divine in respect of the author, the principles of this law are natural in respect of the time of their institution being together with our nature: though they were drawn out by God severally in several periods of the world, who made them laws actually by his command, which in nature are so only by disposition.

This latter reason is given by Alphonsus à Castro and by Wesenbech: the former is insinuated by Mynsinger, defining the law of nature to be "quod natura, adeoque Deus ipse, omnes homines in creatione, prima quædam præcepta et formulas honestatis docuit." But the latter of them, I say, is true only of such, as are the prime laws or rather rules of nature, and the general measures of virtue and vice. But as for the particular laws of nature (which only are properly to be called laws), we are to look for no other system or collective body of them, but the express declared laws of God which concern morality, that is, all that are given to all mankind without relation to any one period: such is the moral law of the Jews; and such is the religion of the Christians; that less perfect, this more perfect and entire: for these in their several proportions are such which are generally for all mankind; and upon this account it is affirmed by Gratian[1], "Jus naturale esse, quod in lege et evangelio continetur;" "The law of nature is that which is contained in the law and the Gospel:"—which saying he had from Isidore.

It is necessary that this be rightly understood, because it establishes many certainties in the matter of conscience, and eases us of the trouble of finding out a particular system of natural laws, the inquiry after which hath caused many disputes in the world, and produced no certainty. It is all εὔχημα καὶ δῶρον θεοῦ, νόμος καὶ λόγος, ὀρθὸς λόγος, Διὸς θεσμὸς, as the Platonists call it, νόμος νοῦ διανομὴ, "the word of God is the law, a right rule or sentence, and divine law, a law that is the distribution of the mind of God;" and under this

[1] Dist. 1. in princ.

come all the precepts of Christianity: which was well summed up by him who gave this account of the religion, and the religious that are of it, saying they are "homines conspirantes in communem utilitatem;" and that they mutually make and give σύμβολα περὶ τοῦ μὴ ἀδικεῖν εἰς τὸ μὴ βλάπτειν ἀλλήλους, μηδὲ βλάπτεσθαι, "Symbols and sacraments to each other, that none shall do or receive injury:" "men conspiring for the good of others:" or, as the Roman soldier was told, 'They are men whose profession is to do hurt to no man, and to do good to every man:'—and this is the integral design of the law of nature, so far as it can relate to human intercourse.

Νόμος καὶ λόγος. So Christ is called by St. Peter and the Greek fathers, he is the "word of the Father and the law:" and it is remarkable, this Word or Law of the Father was the instrument of teaching mankind in all periods of the world. He taught the law of nature to all men, and renewed it, and made several manifestations and manners, and at last appeared in the form of a man, and made a perfect body of it to last as long as our nature lasts, and as long as this world and his kingdom abides. When God spake to Adam, to the patriarchs, to the prophets, still he spake by Christ, who was the angel of the Old Testament, and the mediator of the New. He is, therefore, 'verbum patris;' by him he signified his laws and righteous commandments, and the law was given, ἐν χερσὶ μεσίτου, "in the hands," that is, by the ministry, "of the Mediator, who is one: that is, Jesus Christ;"—and this Tertullian[m] affirms. "Christus semper egit in Dei patris nomine. Ipse ab initio conversatus est, et congressus cum patriarchis et prophetis:"—and again[n], "Christus ad colloquia semper descendit, ab Adam usque ad patriarchas et prophetas, in visione, in somno, in speculo, in ænigmate, ordinem suum præstruens ab initio semper: et Deus internis cum hominibus conversatus est; non alius quam sermo qui caro erat futurus:" "Christ in all ages spake to men in the person of his Father, being from the beginning the word of the Father, which was to be incarnate." The same also is to be read in Justin Martyr against Tryphon the Jew. "Christ, therefore, was the preacher of this righteous-

[m] Adv. Marcion. lib. ii.

[n] Adv. Praxeam.

ness, and at last revealed all his Father's will, which should never receive any further addition, diminution, or alteration." The 'novellæ constitutiones,' the enlargements and explications made by our blessed Lord, together with the repetition of the old, that is, the Christian law, is the perfect code and digest of the natural law. For they all rely upon the fundamental relations between God and us, and the natural intercourse between man and man, and the original necessities and perfective appetites of our own nature.

But here it will be necessary to clear that great objection, which will be pretended against this doctrine. For since Christian religion is new in respect of nature, and superinduced some things upon nature, and rescinded some of her rights, and restrained her liberty; it will seem impossible that Christian religion should be a collected body of the laws of nature; because the law of nature is prime and eternal; which Christian religion seems not to be. Now to this I answer:

1. That it is evident, that all that which any men call the laws of nature, is actually contained in the books of the New Testament. St. Austin, Hugo de St. Victore, and Alexander, say the law of nature hath but these two precepts: 1. Do as you will be done to; and 2. Do not that which you would not have done to yourself.—Isidore reckons into the laws of nature, 1. Conjunction of male and female; 2. Education; and 3. Succession of children: 4. Common possessions; and 5. Common liberty; and 6. Acquisition of things in air, earth, and sea: 7. Restoring the thing that is intrusted; 8. Repelling force by force. These are rights of nature, and natural states or actions, but not laws. There are some laws concerning these things, but they also are in the New Testament.—Cicero[o] reckoned, 1. Religion; 2. Piety; 3. Thankfulness; 4. Vindication of injuries; 5. Observance of superiors; 6. To speak truth.—The lawyers reckon otherwise. The laws of nature are these, 1. To worship God; 2. To live honestly; 3. To obey superiors,—kings, parents, &c.; 4. To hurt no man; 5. To give every one his own; 6. Common use of things as far as it may be; and where it may not, then, 7. Dominion, and 8. Propriety, enter; 9. To take away

[o] De inventione, sec. 65. Proust. p. 241.

evil doers from among men.—And if we observe but the precepts of nature (for they had no other light which we know of), which are reckoned by Hesiod, Pythagoras, Theognis, Phocylides, Epictetus, Cato, Publius, and Seneca, we shall find that they reckon many minute counsels, which are derived from natural principles, but yet stand far off from the fountain: and some which they derive from the rights of nature, not from her laws, but indeed are directly contrary.

——— Semper tibi proximus esto.

So Cato; and

Qui simulat verbis, nec corde est fidus amicus;
Tu quoque fac simules, sic ars deluditur arte.

And that of Cicero, "vindicationem esse honestam," "revenge is justice."—By their own reason, men took their aim at the precepts and laws of nature; but, their reason being imperfect and abused, it was not likely they could be exact: none but the wisdom of the Father could do it perfectly. Thus they can never agree in their enumeration of the natural laws: but it is certain, that so many of these, as are laws and bound upon us by God, are set down in the Scriptures of the New Testament. For it is not a law of nature, unless God have commanded it to us in, or by, or with, nature and natural reason. Now it is certain, that Christ told us all his Father's will; and the apostles taught all that to the church, which Christ taught to them: and therefore what is not in their doctrine, is not in nature's law, that is, it is no part of the law of God: and if it be certain, that he that lives according to the law of Christ, does please God and do all his duty; then it follows, that either there is no such thing as that which we call the law of nature, and no obligation from thence, and no measures of good and evil there;—or if there be, it is also part of the Christian man's duty, and expressed and taught by the Master and Lord of the Christians. All that is essentially good, is there; all that by which the world can be made happy, is there; all that which concerns every man's duty, is there; all the instruments of felicity, and the conveyance of our great hopes, is there;—and what other potentiality there can be in the law of nature, than what I have reckoned now, I neither have been taught

by any man else, neither can I myself imagine, or understand. Here are the general propositions, which are the form, and make the honesty and the justice of all the particular laws of nature; and what is not there provided for by special provision, or by general reason and analogy, is wholly permitted to human laws and contracts, or to liberty and indifferency, that is, where the laws of nature cease, there the rights of nature return.

2. But secondly, to the objection I answer, that it will be but weakness, to think that all the instances of the law of nature must be as prime as nature herself: for they neither are so prime, nor so lasting, but are alterable by God and by men, and may be made more, or fewer, or other.

This may seem new, and indeed is unusual in the manner of speaking: but the case is evident and empirically certain. For when God commanded Abraham to kill his son; the Israelites to rob the Egyptians and to run away with their goods; he gave them a commandment to break an instance of the natural law; and he made it necessary that Cain should marry with his sister: and all those laws of nature which did suppose liberty and indistinction of possessions, are wholly altered when dominion, and servitude, and propriety, came into the world: and the laws of nature which are in peace, are not obligatory to other persons in the time of war.

For the laws of nature are, in many instances, relative to certain states; and, therefore, in their instances and particulars, are as alterable as the states themselves: but the reasons indeed on which they do rely (supposing the same or equal circumstances and the matter unchanged), are eternal and unalterable as the constitution of nature. But, therefore, it was unwarily said of the learned Hugo Grotius, and of divers others before him, that "God cannot change the law of nature."—For, as St. Paul said of the priesthood, "it being changed, there must of necessity be a change also of the law," so it is in the law of nature; the matter of it being changed, there must of necessity also be a change in the law: for although the essential reason may be the same in changed instances, yet that hinders not but the law may justly be affirmed to be alterable; just as the law was under the several priesthoods, in both which the obligation is the

same, and so is the relation to God, and the natural religion. Thus when rivers are common, it is lawful for any man to fish, and unlawful for my neighbour to forbid me; but when rivers are inclosed and made proper, it is unlawful for me to fish, and lawful for the proprietary to forbid me; before the inclosure it was just to do that thing, which afterward is unjust; and this is as much a change of a particular law as can be imagined. If it be meant, that while the propriety remains or the state, the law introduced upon that state is unalterable: then there is no more said of the law of nature than of any positive law of God, or the wise law of any prince; which are not to be altered as long as the same case and the same necessity remains; and it would be to no purpose to affirm so of the law of nature; for the sense of it would be, that while things remain as God established them, they are unalterable. But if God can disannul the obligation, by taking away the matter of the law, or the necessity, or the reasonableness, or the obligation (and all this he can do one way or other), it is not safe nor true to say, "God cannot alter the law of nature." He changed the matter in suffering liberty to pass into servitude; he made necessity in one instance, I mean in the matter of incest in the case of Cain, and afterwards took it away: he took away the reasonableness of the sanction by changing the case in the subduction or mutation of the matter, and he took off the obligation in the case of Abraham and of the Israelites robbing their neighbours.

And, therefore, the Christian laws superinducing some excellencies and perfections upon human nature, and laying restraint upon the first natural laws, that is, upon such which before this last period of the world were laws of nature, is no hard thing to be understood. God in it used but his own right. And I suppose it will be found to be unreasonable to expound the precepts of the religion by the former measures of nature, while she was less perfect, less instructed: but this rather; the former instances of the natural law are passed into the Christian precepts, and the natural instance is changed, and the law altered in its material part; the formality of it remaining upon the supposition of a greater reason. Thus to repel force by force is a right of nature; and afterwards it was passed into a law that men

might do it; that is, God expressly gave them leave; and although it be not properly a law which neither forbids nor commands, but only gives a leave,—yet, when God hath forbidden men to do violence, and to establish this law the rather, gave leave, to any man that could, to punish his unjust enemy that attempted to do him mischief, it may be called a law, in the lesser sense, that is, a decree of the court of heaven by which this became lawful. Though this was passed into a law in the manner now explicated, yet it was with some restraints; which yet were not so great, but they left a great liberty, which was sufficient security against violence. The restraint which God superinduced upon this right of nature, was but "moderamen inculpatæ tutelæ;" it left men defended sufficiently against injuries, though it permitted us to be tied in some lesser instances and unavoidable accidents. But now although Christianity hath proceeded in the first method of God, and restrained it yet more, and forbids us to strike him that strikes us, we are not to force this precept into a sense consisting with the former liberty which we call the law of nature; but was at first only a right of nature or a permissive law, but not obligatory; and afterwards suffered some restraints: for that which suffered some, may suffer more: and as the right of nature was, for its being restrained, recompensed in the provisions of laws, and by the hands of justice, taking it from the private into the public hand: so may this right of nature, when it is wholly taken from us, be recompensed by God's taking the ἐκδίκησις, or 'the power of avenging' our quarrels, into his hands.

This right of nature being now almost wholly taken from us, part of it is taken up to God, and part of it is deposited in the hands of the civil power, but we have none of it; only by Christ's laws and graces our nature is more perfect, and morality is set forward, and justice and all our rights are secured; but yet the law is changed. The like may be said in divers other instances, as I shall discourse in their several places: here it is sufficient to have given the first hint of it, and demonstrated the certainty and reasonableness of it, which (as appears by the instances) although it be especially and frequently true in the 'jus naturæ' or the 'permissive law of nature,' and in those not only God, but men

also, may make an alteration; yet even in those laws which are directly obligatory, the power of God who made them, cannot be denied to be equal in the alteration: and indeed he that can annul nature, can also at least alter her laws, which are consequent to nature, and intended only for her preservation.

The case seems to be the same with eating and drinking, which God hath made necessary for our life, as justice is to societies: but as he can take away the necessity from this person at this time to eat, and can supply it otherwise,—so he can also conserve human society in the mutation of cases and extraordinary contingencies as well as in the ordinary effects of justice. Indeed God cannot do an unjust thing; because whatsoever he wills or does, is therefore just because he wills and does it; but his will being the measure of justice, and his providence the disposer of those events and states of things, to which the instances of justice can relate,—when he wills an extraordinary case and hath changed the term of the relation, then he hath made that instance, which before was unjust, now to become just; and so hath not changed justice into injustice, but the denomination of the whole action, concerning which the law was made, is altered from unjust to just, or on the contrary.

It is not to be supposed, that the whole law of nature can be altered, as long as our nature is the same; any more than the fashion of our garments can be generally altered as long as our body is of this shape: and, therefore, it is not to be thought, that he that makes a doublet, shall ever make three sleeves, unless a man have three arms,—or a glove with six fingers for him that hath but five; but many particular laws of nature suffer variety and alteration, according to the changes that are in our nature and in our necessities, or by any measure of man or men which God shall superinduce.

> Duo cum idem faciunt, sæpe ut possis dicere,
> Hoc licet impune facere huic, illi non licet;
> Non quo dissimilis res est, sed quo is qui facit [p].

The rule of nature is always the same; "yet one may do what another may not; and sometimes that is lawful which

[p] Terent. Adelph. act. 5. sc. 1. Mattaire, p. 198.

at another is criminal; not because the measure is changeable, but the thing measured suffers variety."—So that in effect, the sense and extent of truth in this question is this; that although as long as this world lasts and men in it, the law of nature cannot be abrogated, because it is that law which is framed proportionable to man's nature; yet it may be derogated, that is, lessened, or enlarged in instances, changed in the integrity of many of its particulars, made relative to several states and new necessities; and this is that which, in true speaking, does affirm that the laws of nature may be changed. For although there are some propositions and decrees so general, that they are in their nature applicable to all variety of things, and therefore cannot be changed;—yet they are rather the foundation of laws than laws themselves: because a law must be mixed with a material part, it must be a direction of actions, and a bond upon persons, which does suppose many things that can be changed: and, therefore, although the propositions, upon which the reasonableness and justice of the law does depend, serve to the contrary instances by analogy, and common influence,—yet the law, being material, does not, and therefore is alterable. But of this I shall give a fuller account in the ninth and tenth rules of this chapter. For the present, I observe,

The want of considering this, hath made difficulty in this question and errors in many. Every natural proposition is not a law: but those antecedent propositions, by the proportions of which laws stand or fall, are the measures of laws. They are rules, not laws: and indeed the rules of nature are eternal and unalterable: that is, all those natural and reasonable propositions which are dictates of prime reason, and abstract from all persons, and all states, and all relations: such as are 'God is to be honoured:'—'Justice is to be done:'—'Contracts are to be affirmed:'—'Reason is to be obeyed:'—'Good is to be followed:'—'Evil to be eschewed.'—These are the common measures of all laws, and all actions: but these are made laws when they are prescribed to persons, and applied to matter: and when they are, because that matter can have variety, the law also can, though the rule cannot.

That we are to restore all that was intrusted to us, is a natural law derived from the rule of doing justice: but this may be derogated and prejudiced without sin. For prescription transfers the possession and disobliges the fiduciary from restitution.

By the law of nature relying upon the rule of performing contracts, clandestine marriages are valid and firm: but yet some churches, particularly the church of Rome, in the council of Trent, hath pronounced some marriages void, which, by the rule of nature, and afterwards by a law, were rate and legal; particularly, clandestine marriages, and marriages not clandestine by the ingress of one of the parties into religion, as is to be seen in the eighth session.

By the law of nature a testimony under two or three witnesses may stand, but in the case of the accusation of a cardinal-deacon in Rome, they require the concurrence of seven and twenty; of a cardinal priest, sixty-four; of a cardinal bishop, seventy and two,—and, in England, one shall serve the turn, if it be for the king. In codicils the civil law requires five witnesses. In testaments there must be seven: when a controversy is concerning the eminency and prelation of excellent persons, fifteen are demanded. But if these things may be prejudiced by men, much more may they be altered by God. But this extends itself a little further. For in some of these instances, that which is a law of nature, becomes so inconvenient as to do much evil,—and then it is to be estimated by a new rule; and, therefore, the whole law is changed, when it comes to have a new measure, and the analogy of a new reason.

Upon the account of these premises it follows, that it is but a weak distinction to affirm 'some things to be forbidden by God, because they are unlawful; and some to be unlawful, because they are forbidden.'—For this last part of the distinction takes in all that is unlawful in the world, and therefore the other is a dead member and may be lopped off. So Ocham[q] affirms against the more common sentence of the schools (as his manner is); "Nullus est actus malus, nisi quatenus à Deo prohibitus est, et qui non possit fieri bonus

[q] 2. q. 19. ad 3. et 4.

si à Deo præcipiatur, et è converso;" "Every thing is good or bad according as it is commanded or forbidden by God, and no otherwise."—For nothing is unlawful antecedently to God's commandment. Sin is a transgression of some law, and this law must be made by a superior, and there is no superior but who depends on God, and therefore his law is its measure. There are some things good, which God hath not commanded; but then they are such which he hath commended by counsels, or analogies and proportions. But whatsoever is a sin, is so therefore because it is forbidden; and without such a prohibition, although it might be unreasonable, yet it cannot be criminal or unjust. Since, therefore, all measure of good and evil, in the intercourses of men, wholly rely upon the law of God, and are consequent to his will, although it can never be that we can have leave to be unjust, or unchaste, that is, to do against a law in being with all its circumstances,—yet the law may be so changed that the whole action which was forbidden, may become permitted, and innocent,—and that which was permitted, may become criminal. I instance in the ἀδελφομιξία, or 'the conjunction of the nearest kindred,' which once was lawful, and ever since is become criminal.

The purpose of this discourse is this;—that we look no further for tables of the law of nature, but take in only those precepts, which bind us Christians under Christ our lawgiver, who hath revealed to us all his Father's will. All the laws of Christ concerning moral actions are the laws of nature: and all the laws of nature, which any wise nation ever reckoned, either are taken away by God, or else are commanded by Christ. So that Christianity is a perfect system of all the laws of nature, and of all the will of God, that is, of all the obligatory will; of all the commandments. In those things where Christianity hath not interposed, we are left to our natural liberty, or a 'Jus permissivum,' 'a permission,' except where we have restrained ourselves by contract or dedition.

RULE II.

The Law of Nature is the Foundation of all Laws, and the Measure of their Obligation.

For all good laws, and all justice, hath the same reasonableness, the same rules and measures, and are therefore good because they are profitable,—and are therefore just, because they are measured by the common analogies and proportions:—and are therefore necessary, because they are bound upon us by God mediately or immediately. And, therefore, Cicero[a] defined virtue to be "perfecta et ad summum perducta natura," or "Animi habitus naturæ modo, rationi consentaneus[b]," "The perfection of nature," or "a habit of mind agreeing to natural reason."—But more expressly and full in his second book de Legibus[c]: "Lex est, justorum injustorumque distinctio, ad illam antiquissimam et rerum omnium principem expressa naturam, ad quam leges hominum diriguntur, quæ supplicio improbos afficiunt, defendunt ac tuentur bonos:" "A law is the distinction of good and bad, of just and unjust, expressed or fitted to nature, which is the first and the prince of all, and to which human laws are directed for the punishment of evil doers, and the defence of the good."—And it is evident in all the moral precepts of Christianity: all which are so agreeable to a man's felicity and state of things, to which a man is designed both here and hereafter, that a man cannot be happy without them: and, therefore, they all rely upon some prime natural reason, which reason although possibly some or all of it was discovered to us by revelation and the wise proper discourses of the religion, and was not generally known to men before Christ,—yet the reasons are nothing but consonancies to our state and being, introductive of felicity, perfective of our nature, wise, and prudent, and noble, and such which, abstracting from the rewards hereafter, are infinitely eligible and to be preferred for temporal regards before their contraries.

a De Leg. i. c. 8. Davis. Rath. p. 38.
b De Invent. ii. sect. 159. Proust, p. 278.
c De Leg. ii. c. 5. Davis. Rath. p. 111.

Add to this, they are such which some few the wisest of the heathens did teach by natural reason, for aught we know. And there is a proportion of this truth also in all the wise laws of commonwealths. The reasons of which are nothing but the proportions of nature, and the prime propositions of justice, common utility, and natural necessity. And, therefore, supposing that every civil constitution supplies the material part or the instance, every civil law is nothing but a particular of the natural law in respect of its formality, reasonableness, and obligation. And all laws of manners are laws of nature: for there can be but one justice, and the same honesty and common utility in the world; and as a particular reason is contained in the universal, so is the particular profit in the public; "Saluti civium prospexit, qua intelligebat contineri suam," said Torquatus[d] in Cicero, and so it is in laws. In the observation of the laws of nature the good of every society and every private person is comprised: and there is no other difference in it, but that in every civil constitution there is something superadded; not to the reasonableness or justice, but it is invested with a body of action and circumstances. "Jus civile neque in totum à naturali ac gentium jure recedere, neque per omnia ei servire; adeo ut cum juri communi aliquid additur vel detrahitur, jus proprium, id est, civile efficiatur," said Justinian[e]: "The civil law neither does wholly recede from the law of nature and nations, neither does it wholly serve it: for when any thing is added or detracted from the natural law, it becomes the civil:" and another; "Leges positivæ repetunt jus naturæ quum leges sive pactiones quæ sunt jura attingunt utilitatem et scopum naturæ;" "The positive laws of a commonwealth repeat the law of nature, when laws and covenants do promote the profit and this design of nature."

But from hence it follows that the law of nature is the only rule and measure of all laws, and superinduced laws of God and man are but instances of obedience in those general precepts of nature; and since the law of Christianity contains in it all the law of nature; and is now the only law that can oblige us primarily, and others in virtue of it: it is the prime

[d] De finib. [e] Lib. vi. ff. de justit. et jure.

and adequate rule and measure of conscience, and the explication of all its precepts will be a full institution of conscience: to which purpose that saying of Lælius in Cicero[f], is very pertinent: "Viros bonos appellandos esse putamus, qui assequuntur (quantum homines possunt) naturam, optimam bene vivendi ducem;" "Nature is the best guide and measure of living well: and they who exactly observe her measures as far as men can, are to be called good men."

RULE III.

The first and greatest Band of the Law of Nature is Fear of Punishment.

I HAVE already spoken of this as it is the act and effect of conscience: here I am to speak of it more abstractedly, and as itself hath effect upon human actions; there as it is the minister of the judge: here as it is the sanction of the law.

"Omne malum aut timore aut pudore natura suffudit," said Tertullian[a]; fear and shame are the waiters and handmaids of every sin, which nature hath provided for it.—And indeed fear is the band of all laws. For although there is a pravity in the nature of injustice which natural reason hates, proceeding partly from the deficiency from the perfective end of nature and societies, which is served by justice;—partly from the consequent obloquy and disreputation, which all wise men and all talking people put upon it (for they that do it themselves, speak ill of it in others); yet this is but a little. This is a part of the punishment of the breach of the natural law; but not strong enough to make a firm obligation. Now in all laws there must be some penalty annexed, the fear of which may be able to restrain men from doing against the law: which cannot be, unless the evil be greater than the benefit or pleasure of the prevarication can be: and therefore it is, that God establishing this law hath appointed a court within us, a severe judge, who will not

[f] De amicit. Wetzel, c. 5. sect. 11. p. 153.

[a] Apolog. c. 1.

spare; a wise discerner, who will not be deceived; an exact remembrancer, which never forgets any thing that can do the greatest mischiefs: a just witness, who will not be suborned, and is conscious and privy to all that which he is to judge; and the same also is the executioner of the delinquent and sinning people.

The stings of conscience and fear of the divine vengeance, is this evil which naturally restrains us; it is the greatest restraint, because it is the greatest of evils, and it is unavoidable, and it is natural. I will not add it is lawful to abstain from evil for fear of punishment, but it is necessary, and it is natural, and that is more, and this is it which Epicurus taught, οὐκ ἄλλῳ τινὶ τῆς ἀδικίας δεῖν ἀπειργεῖν ἢ φόβῳ κολάσεων; which although Plutarch seems angry at, was well enough spoken by him; meaning that "it is a fear, not of temporal discovery and civil punishment, which is only appointed to restrain evil actions, but a fear of those evils whose apprehension God hath made necessary and congenite with the nature of man;" fear of God's displeasure, and the destruction of our nature and felicities relying upon that natural love of ourselves, and desire of our own preservation, without which a man cannot be supposed sufficiently provided with principles of necessary being and providence.

There is another kind of fear of punishment, that is, a fear of those auxiliary punishments which princes and republics have superadded to the breakers of natural laws, which is in some men, who are despisers of all the evils which are threatened hereafter: such as was that of Thrasymachus, in Plato[b]: "Nihil esse melius quam facere injuriam neque pœnas dare, nihil pejus quam pati nec posse ulcisci; medio autem modo se habere justitiam, cum quis nec facit nec patitur: quod ut fiat, esse optabile; sed nempe imbecillibus, quorum proinde interest pacisci aut servare pacta, non autem valentioribus, qui si viri fuerint ac sapuerint, nullatenus pactum de injuria non inferenda accipiendave sint inituri:" "Nothing is better than to do injury without punishment; nothing worse than to suffer mischief, and to be able to do none again; in the midst of these is justice, which neither does injury, nor receives any, which is much to be desired;

[b] 7. de Repub.

but by whom? By none but by weak people. For the stronger, if they be valiant and wise, will never enter into covenants concerning not doing or receiving injury."—According to this doctrine, there should be nothing of itself just or unjust; and if there were, it were not to be regarded, but so long as justice were profitable, and injustice troublesome and dangerous. And, therefore, strong men or crafty might, in many cases, be exempt from contracts and from doing justice, and would neither do right, nor take wrong.

Against this it is that all wise men in the world do speak: "Vos autem, nisi ad populares auras inanesque rumores, recta facere nescitis; et relicta conscientiæ virtutisque præstantia de alienis præmia sermunculis cogitatis," said Boetius[c], in indignation against all those who took accounts of themselves by public noises, not by the testimonies of a just conscience,—that is, who fear man, but do not fear God. And to do good out of fear of punishment (in this sense) is to do good no longer than I am observed, and no longer than I am constrained: from both which because very many men are very often freed, and all men sometimes, there would be no habit, no will, no love of justice in the world; that is, there would be no virtue of justice, but single actions as it could happen. This would introduce horrid tyrannies, while princes and generals, having power in their hands, might do all things as they pleased, and have no measure but their own private: and all men's conditions under them would be always precarious, and arbitrary, and most commonly intolerable: and, therefore, this fear is the characterism of evil persons,

Oderunt peccare mali formidine pœnæ.

And against such, civil laws are made: "Justis lex non est posita," saith St. Paul; "the law is not made for the righteous, but for the wicked."—If the sons of Israel had continued pious as Abraham, Isaac, and Jacob were, the law should not have been given to them as it was upon Mount Sinai; but the necessities of men brought a law upon them, and that law a punishment, while good men ποιοῦσιν ἑκουσίως,

[c] De Consol. Philosoph.

ἃ ποιοῦσιν ἀκοντες οἱ λοιποὶ διὰ τὸν νόμον, as Xenocrates, in Laertius, said of the philosophers; they do it

Sponte sua, veterisque Dei se more tenentes [d],

for the love of God; by choice and delight in the actions of virtue, they do excellent things, "Plusque ibi boni mores valent quam alibi bonæ leges," as Tacitus [e] said of the old Germans; "Good manners prevailed more than good laws." Thus did the patriarchs, and therefore they needed not a law. "Vetustissimi mortalium, nulla adhuc mala libidine, sine probro, scelere, eoque sine pœna et coercitionibus agebant: neque præmiis opus erat, quum honesta suopte ingenio peterentur; et, ubi nihil contra morem cuperent, nihil per metum vetabantur [f]." Our forefathers desired nothing against honesty and injustice, and, therefore, were not forbidden any thing by the instrument of fear.

But, therefore, the civil and positive law is not made for all those men who have other restraints; that is, for good men who are moved by better principles; but because these things that are better, are despised by the vicious and the tyrants, oppressors and the impudent, the civil power hath taken a sword to transfix the criminal, and to kill the crime. And, therefore, Epicurus, in Stobæus, said not amiss: "Laws were made for wise men, not for fear they should do ill, but lest they should suffer evil from the unjust."

And yet even the wise and the good men have a fear in them, which is an instrument of justice and religion; but it is a fear of God, not of the secular judge; it is a fear that is natural, a fear produced from the congenite notices of things, and the fear of doing a base thing; a fear to be a fool and an evil person.

Mi natura dedit leges à sanguine ductas:
Ne possim melior judicis esse metu;

said Cornelia, in Propertius [g]: a good man will abstain from all unrighteous things, though he be sure that no man should hear or see any thing of it,—that is, though there were no laws, and superinduced punishments, in republics; and all

[d] Æneid. vii. 204.
[e] Cap. 19.
[f] Tacit. Ann. iii. 26. Ruperti, p. 150.
[g] Lib. iv. 11. 47. Kuinoel, vol. i. p. 412.

this upon the account of such a fear, which a good man ought to have,—a fear of being a base person or doing vile things.

——Imposito teneræ custode puellæ
Nil agis: ingenio quæque tuenda suo est.
Siqua metu dempto casta est, ea denique casta est;
Quæ quia non liceat, non facit, illa facit[h].

That chastity is the noblest, which is not constrained by spies and severity, by laws and jealousy: when the mind is secretly restrained, then the virtue is secured. Cicero[i] puts a case to Torquatus: "Si te amicus tuus moriens rogaverit, ut hereditatem reddas suæ filiæ, nec usquam id scripserit, ut scripsit Fadius, nec cuiquam dixerit; quid facies?" Aruncanus dies, and leaves his inheritance to his daughter, Postumia, and intrusts his friend, Torquatus, with it, but privately, without witness, without consignation of tables: will Torquatus, who is a feoffee in private trust, restore this to the child, when she shall be capable? Yes; Torquatus will, and Epicurus will; and yet Cicero had scarce a good word for him, whom he hath fondly disgraced during all ages of the world, weakly and unjustly: but the account he gives of it, is pertinent to the rule[k]: "Nonne intelligis, eo majorem vim esse naturæ, quod ipsi vos, qui omnia ad vestrum commodum, et, up ipsi dicitis, ad voluptatum referatis, tamen ea faciatis, e quibus adpareat non voluptatem vos sed officium sequi? plusque rectam naturam, quam rationem pravam valere?" Nature is more prevalent than interest; and sober men, though they pretend to do things for their real advantage and pleasure, yet follow their duty rather than either pleasure or profit, and right nature rather than evil principles.

The reason of this is, because nature carries fear and reverence in the retinue of all her laws; and the evils which are consequent to the breach of natural laws, are really, and by wise men so understood to be, greater mischiefs than the want of profit, or the missing of pleasure, or the feeling the rods and axes of the prince. If there were no more in a crime than the disorder of nature, the very unnaturalness

[h] Ovid. lib. iii. Eleg. 4, 1. Mitscherlich, vol. i. p. 185.
[i] 2 De Finibus. Dav. Rath. c. 18. p. 142. [k] Ib. p. 143.

itself were a very great matter. St. Basil said well[l], "Ad omnia, quæ descripta à nobis, à Deo præcepta sunt, consequenda, naturales ab ipso facultates accepimus." God hath given to virtues, natural organs, or bodily instruments; as to mercy he appointed bowels, eyes for pity, hands for relief; and the proper employment of these is so perfective of a man's condition, according to their proportion, that not to employ them according to the purpose of nature is a disease, a natural trouble; just as it is to trumpet with our mouth, which was intended for eating, and drinking, and gentler breathings. It is punishment enough to do an unnatural and a base action; it puts our soul and its faculties from their centre, and the ways of perfection. And this is fully observed by Seneca: "Male de nobis actum erat, quod multa scelera legem et judicem effugiunt, et scripta supplicia, nisi illa naturalia et gravia de præsentibus solverent, et in locum patientiæ timor cederet:" "Mankind were in an ill state of provisions, if those wickednesses, which escape the law and the judge, did not suffer the more grievous inflictions of natural punishment, and fear came into the place of patience;" still fear is the bridle: but it is an honest fear, a fear of God, and of natural disorders and inconvenience. Οὐκ ἐν συμβολαίοις πολιτικοῖς οὐδὲ ἐν ἀπαγορεύσει νόμου, ἀλλ' ἐξ ἰδιοπραγίας, καὶ τῆς πρὸς τὸν Θεὸν ἀγάπης ἡ δικαιοσύνη, as Clemens of Alexandria calls it; "a righteousness not produced by laws and the sword, fear and interest, but from the love of God," and something that is within: there is a fear, but it is such a fear as still leaves the love to virtue, and secures it in privacies, and enjoins the habit and constant practice of it: a fear that is complicated with a natural love of our own preservation, and is constant, and measured by God, and in the natural limit cannot be extravagant; a fear that acknowledges God's omniscience, and his omnipresence, and his eternal justice: and this was the sense of that of Sophocles[m]:

Πρὸς ταῦτα κρύπτε μεδὲν, ὡς ὁ πάνθ' ὁρῶν
Καὶ πάντ' ἀκούων, πάντ' ἀναπτύσσει χρόνος.

"Do nothing basely and secretly; for time's Father sees and hears all things, and time will discover it, and truth shall be the daughter of time;—and that which is done in

[l] Reg. Fusior. inter. 2. [m] Ἱππόλυτος, frag. i. Musgrave, vol. ii. p. 225.

secret, shall be spoken upon the tops of houses:" so both the Christian and the heathen are conjoined in the several expressions of the same great truth. This fear is deposited in conscience, and is begotten and kept by this proposition,—that "God is a rewarder of all men according to their works."

Consequent to this is the love of virtue.

RULE IV.

The second Band of Virtue is Love, and its proper and consequent Deliciousness.

This is not wholly natural, but in much of it is empirical, εὕρημα χρόνου καὶ εἴου· proceeding from the grace of God, and the experience of the deliciousness and rewards of virtue, and the excellency of a greater hope which does entertain our spirits in the outer courts of pleasant expectations: ὅτι ἐκ φιλοσοφίας τοῦτο οὑτῷ περιγέγονε τὸ ἀνεπιτάκτως ποιεῖν ἃ τινες διὰ τὸν ἀπὸ τῶν νόμων φόβον ποιοῦσι, as both Aristotle and Xenocrates did speak. It is the effect of philosophy and religion, of virtuous and severe institutions to do that for love and without constraint, which fools, and vicious and weak persons, do for fear of laws.

Now this, I say, is not natural, that is, although it be agreeable to nature, yet not primarily introduced by it, without a tutor, because nature forbids injustice, but does not command justice,—but secondarily, and by accident, and upon supposition of other contingencies. To do injustice is always a sin, but not to do a justice is not always. For a man may depose the person of a judge, or a trustee, or a delegate; but they who habitually do justice, find the rewards of reputation, and the ease of being freed from the torments of an evil conscience, which is a delicacy, like the being eased of the horrid gripes of the colic; and so insensibly grow in love with justice, that they think they love justice for justice' sake.

Ipsa sui merces erat et sine vindice præda.

Concerning which it is fit we consider a little, lest it become the occasion of scruples and nice opinions. Anti-

gonus Sochæus, an old Jew, was famed for saying, 'Be not servants who serve their lord, that they may receive a reward from him; but be such who serve him without consideration of wages, or recompenses, and let the fear of God be upon you:' Baithus and Sadoc, his disciples, from whom the sect of the Sadducees did spring, not well understanding him, took occasion from hence to deny the resurrection and rewards after this life. And, indeed, such sayings as these are easily abused; and when some men speak great things, and others believe as much of it as they understand, but understand it not all, they make sects and divide their schools, and ignorance and faction keep the doors, and sit in the chairs sometimes. It is impossible a man should do great things, or suffer nobly, without consideration of a reward; and since much of virtue consists in suffering evil things, virtue of herself is not a beatitude, but the way to one. He does things like a fool, who does it for no end: and if he does not choose a good end, he is worse: and virtue herself would, in many instances, be unreasonable, if, for no material consideration, we should undertake her drudgery: and, therefore, St. Austin said well, "Sublatis æternis præmiis et pœnis verum staturum à partibus Epicuri:" sensual pleasure were highly eligible, and not virtuous sufferings, 'if in this life only we had hope.' But if it be accounted the top of virtue to love virtue for virtue's sake, and without intuition of the reward; many times good men observing, that themselves are encouraged by all God's promises to obedience and patience, and that in martyrdom there is no natural or sensitive pleasure, and that it cannot be loved for itself, but wholly for its reward, will find themselves put into 'fear where no fear is,' and that a 'nequam humilitas,' an unworthy opinion of their duty, shall affright their peace and holy confidence. Peregrinus, the philosopher, in A. Gellius[a], expressed this love of virtue for itself, thus: "Etiamsi Dii atque homines ignoraturi forent;" to do good though "neither God nor men should know of it:"— but as this is impossible in fact, so it is in speculation; for there were no such thing as virtue, if it were not relative and directed to God or man: but yet the thing which they mean, is very good. Good men love virtue for virtue's sake,—

[a] Lib. xii. c. 11.

that is, they act it and love it, they do it with so habitual and confirmed elections and complacency, that many times they have no actual intuition to the reward; they forget this, they are so taken with that; like a man that chooses a wife upon many considerations, as portion, family, hopes, and beauty; yet when he hath conversed long with her, and finds her amiable and fruitful, obedient and wise: he forgets all other considerations, and loves her person for her own perfections, but will not quit all his other interests. The difference is best understood by variety of motions. Some motions cannot be continued, unless some agent or other do continually urge them; but they are violent and unnatural: others are perfective and loved, and they will continue and increase by their own principle, if they be not hindered. This is the love of virtue,—that is, fear, or, it may be, hope; save that hope is a thing between both, and is compounded of both, and is more commendable than fear. But to love virtue for itself, is nothing else, but to love it directly and plainly; he that loves it only for the reward, and is not, by the reward, brought to love the thing, loves not this at all, but loves something else: but he that loves it at all, sees good in it, because he finds good by it; and therefore loves itself, now, whatever was the first incentive: and the wooden arch may be taken away, when that of marble is concentered.

2. "Vir fortis et justus—in summa voluptate est et periculo suo fruitur." "When a good man lays before him the price and redemption of his mortality, the liberty of his country, the safety of his friends, he is hugely pleased and delights in, and enjoys his danger. But if he feels not this pleasure, yet without trembling and uncertainty he will dare to die, facere recte pieque contentus; and if you tell him, this reputation which he gets of his citizens, will die almost as soon as he shall die; he answers, all those things are without the nature and consideration of my work: 'Ego ipsum contemplor, hoc esse honestum scio:' I look upon the work itself, and find it honest;"—and that is enough; meaning secretly; that though these outward rewards were pared off, yet there are secret pleasures, which will follow and stick close to virtue, as the shadow does to the body, and this good men must consider, because they feel it, and that is part of the reward.

3. They are pleased with the virtue itself, and their soul is as much delighted with it, and as naturally as the eye with beauteous colours, or the throat with unctuous juices, or the tongue with moist sweetnesses. For God hath made virtue proportionably to all the noble ends, and worthy desires of mankind, and the proper instrument of his felicity; and all its beauties, and all its works, and all its effects, and all that for which it can be loved, is part of the reward. And therefore, to say a man can love virtue for virtue's sake, and without consideration of the reward, is to say a man can love virtue without any reason and inducement, without any argument to move his affections.

4. For there can be but two causes of amability in the world, perfection and usefulness, that is, beauty and profit; that in the thing itself, this as it relates to me: now he that says, 'a man may love virtue for its own sake without consideration of the reward,' says no more than that 'a man may love a flower which he never hopes to smell of;' that is, he may admire and commend it, and love to look on it, and just so he may do to virtue. But if he desires either, it is because it is profitable or useful to him, and hath something that will delight him; it cannot else possibly be desired.

Now to love virtue in the first sense is rather praise than love, an act of understanding rather than of the will, and its object is properly the perfections of the flower or the virtue respectively: but when it comes to be desired, that is, loved with a relation to myself, it hath for its object other perfections, those things that please, and that delight me, and that is nothing but part of the reward or all of it.

The question being thus explicated, it follows, that to love virtue for virtue's sake, is so far from being the honour of a good and perfect man, that it is the character of an evil man, if it goes no further. For it amounts to nothing but this, that the understanding is convinced of the worthiness of it,

——— video meliora proboque [a]. ———

it is that which St. Paul calls "a delighting in the law after the inner man." But it is a relative, material, practical love

[a] Ov. M. vii. 20. Gierig, vol. i. pag. 421.

of virtue that makes a good man; and the proper inducement of that is also relative, material, and practical.

> Est profecto Deus, qui quæ nos gerimus, auditque et videt.
> Bene merenti, bene profuerit; male merenti par erit;

said the comedian[1]; "God hath so endeared justice and virtue to us, that he hearing and seeing all things, gives good things to them that do good things; but he will be even with the evil man."

5. Lastly, to love virtue for virtue's sake, is to love it without consideration of human rewards, praise of men, honours, riches, rest, power, and the like, which indeed are the hinges of most men's actions.

> Cura, quid expediat, prius est, quam quid sit honestum;
> Et cum fortuna statque, caditque fides.
> Nec facile invenias multis in millibus unum,
> Virtutem pretium, qui putet, esse sui.
> Ipse decor, recte, facti si præmia desint,
> Non movet: et gratis pœnitet esse probum.
> Nil, nisi quod prodest, carum est [c].

Now he that is a good man, and loves virtue virtuously, does not love it principally for these secular regards; but without such low expectations, and without apprehension of the angry sentence of the laws: but this does not exclude the intuition of the Divine reward from having an influence into the most perfect love of virtue; for this is intrinsical to the sanction and the nature of the law; the other is extrinsical and accidental. The first is such a reward as is the perfection of the work; for glory is the perfection of grace; and he that serves God for hope of glory, loves goodness for goodness' sake; for he pursues the interest of goodness, that he may be filled with goodness; he serves God here that he may serve him hereafter; he does it well that he may do it better; a little while that he may do it over again for ever and ever. Nothing else can be a loving virtue for virtue's sake; this is the greatest perfection and the most reasonable and practicable sense of doing it. And if the rewards of virtue were not the great practical inducement of good men's

[b] In Capt. Plaut. act. 2. scen. 2. Ernesti, vol. i. page 158.
[c] Ovid. Ex Pont. ii. 3, 9. Harles, p. 378.

love to goodness, all the promises of the Gospel were to no purpose in relation to the faith of good men, and therefore the greatest and the best part of faith itself would be useless: for there is no purpose or end of faith of the promises, but to enable our obedience, by the credibility and expectation of such promises, to do our duty.

Now that even good men, even the best men, even all men, have an habitual regard to it, besides that it is impossible to be otherwise (for he that ploughs, does plough in hope), and will easily be understood to be so by them, who know the causes and nature of things; it appears also in the instance of as good a man as any story reports of; even Moses, who "despised to be called the son of Pharaoh's daughter, because he had an eye to the recompense of reward:" and by the instance of all those brave persons, whom St. Paul enumerates in the eleventh chapter to the Hebrews; "who all died in faith, not having received the promises;" but they looked for better, even such as were to come; and beyond all this, our blessed Lord himself "despised shame and endured the cross;" but it was "for the glory that was set before him[d]." For it is the first and the greatest article of the Gentiles' creed, "Every one that comes to God, must believe that God is, and that he is a rewarder of them that diligently seek him."

11. The sum is this; although in nature herself, and in the conscience relating to her, there is a court punitive and a fear of God, yet the expectation of reward is rather put into us, than born with us, and revealed rather than natural; and therefore the expectation of good is the second band of natural laws, but extrinsical and adventitious, communicated to us by revelation, and by grace.

RULE V.

The Imperfection of some Provisions in civil Laws is supplied by the natural Obligation remaining upon Persons civilly incapable.

When laws make provision of cases ἐπὶ τὸ πλεῖστον, in as many things as they can foresee, or feel, and yet some things

[d] Heb. xii. 2, 3.

will emerge which cannot be foreseen, and some contrary reasons will arise;—many times there is no care taken for some things and some persons by any constitutions of man. Here Nature, as the common parent of all justice and necessary obligations, takes the case into her protection.

This happens in many cases:

1. Human laws give measures of things and persons, which fit most men without a sensible error, but some it does not. Young persons are, at a certain age, declared capable of making profitable contracts; at another age, of making contracts that are hazardous; and they must stand to them, though they be mischievous. At one age they may marry; at another, they may contract a debt; at another, they may make a testament; at another, they may be punished with capital inflictions. But in some persons, the malice is earlier and the wit more pregnant, and the sense of their advantages brisk enough: and therefore the contracts which they can make,—and the actions which they do,—and the part which they choose are really made,—or done, or chosen; but they are not bound to stand to it, by the civil law; and yet if they can choose, they are naturally obliged. Both of them are necessary: the civil law cannot provide but by common measures;

Quos ultra citraque nequit consistere rectum [a].

All their rules are made by as common a measure as they can, and they are the best rules that have the fewest exceptions: the best carpenters make the fewest chips: but some there must be. But then it is necessary that nature should provide, by single provisions in all the single exceptions; for it is necessary it should be done, and she only can do it. She can do it because nature hath provided and instructed a judging and a discerning conscience; and the person that contracts or receives a benefit, can bind himself to man as soon as he can bind himself to God; because the laws of God bind all our contracts with men. That is, plainly thus, God's laws provide not only for general cases, but also for particular circumstances; and of every thing God, and God's vicegerent, conscience,—can take accounts; and therefore this abundance supplies the other's defect; the perfection

[a] Hor.

of God makes up the breaches of the imperfection of man. Which rule is to be understood both of things and persons. For all our duty is only an obedience to God: and every one that can hope or fear, is bound to this obedience; therefore there can be no gap here: God hath, in every thing, shut up every person that can use reason, by some instrument or other. And therefore Cicero[b] said well, "Nec si regnante Tarquinio nulla erat Romæ scripta lex de stupris, idcirco non contra illam legem sempiternam Sextus Tarquinius vim Lucretiæ Tricipitini filiæ adtulit: erat enim ratio profecta à rerum natura, et ad recte faciendum inpellens, et à delicto avocans:" "There was no civil constitution against rapes, but Tarquin ought not to have done it: for there was an eternal law against it. For right reason, proceeding from nature, drives us on to good, and calls us off from evil:"—that is, he could not but know it was ill, and against reason, and against every thing by which he ought to be governed; and even to the heathen God was not wanting, but bound these laws upon them by reason, and inclination, and necessity, and fame, and example, and contract, and hope, and fear, and by secret ways which we know not of. He made some inclinations and some reason to become laws, that mankind might not live like beasts and birds of prey: in all cases, and in all times, and to all persons, he became a lord and a lawgiver, some way or other.

Young persons, of twelve or fourteen years old, can be saved or damned; they can love or hate; they can understand yea and nay; they can do a good turn or a shrewd; they can lead a blind man right or wrong; they can bear true or false witness: and although the civil laws, out of care lest their easiness be abused by crafty people, make them secure from it by nulling the contract, that the deceiving person may not reap the harvest of his fraud, yet there are very many cases in which the minor receives advantage, or at the least no wrong, and though it was fit he should be secured, it was not fit he should be enabled to do a mischief to another, "ut levamen his, aliis sit onus," as St. Paul in a like case, "that they be eased, and others burdened." For although the other contractor be sufficiently warned to

[b] Lib. ii. de leg. c. 4. Davis. Rath. page 107.

take heed of the minor, yet there may be need in it, or charity, friendship, or confidence; all or any of which if they might be deceived, the minor would suffer often, but the other contractor but once. Therefore, as the civil law secures them from harm, so the law of nature binds them to do none, but to stand to such contracts in which they have advantage or equality, and in which they were not abused. The time when they come to be obliged, is the time when they come to the use of reason,—when they understand their duty,—when a prudent man judges them fit to be contracted with,—when they can use fraud to others,—when they can consider whether they be bound or no: these are the best marks and signatures of the time, and declare the obligation in all cases, where there is no deception evident.

2. Sometimes both parties can contract: but because they, doing it without witnesses, may recede from it, either consentingly or against the will of one of them, the positive constitution of man intending to provide against this inconvenience, hath cut the civil tie in pieces, and refuses to verify the contract, besides that it cannot legally be proved. In this case, nature relieves the oppressed party, and supplies the easiness of the civil band, and strains that hard which the others let loose. And this happens in clandestine contracts: against which, in the matter of marriage, all Christian countries have made severe edicts: but in case they be done, in some places they are pronounced valid, in some places declared null. Where they are nulled, nature is defeated in making provisions, and the parties are warranted to do a mischief. For if Mauritius and Cluviena contract marriage, and Mauritius repent his bargain,—where shall Cluviena be relieved? The law of the church forbids it, and will punish her for doing it if she complains. The civil law takes no notice of it, for it cannot be legally proved: and the law of nature is barred out, if it be declared null: and then there is nothing left to hold him. It is the case of the church of Rome[c], who, in the eighth session of the council of Trent,

[c] Navarrus Enchirid. c. 25. Et congregatio Cardinalium, quos talis et tam putidi pudebat decreti, directè negant rem factam aut dictam, et sponsalia clandestina, etiam post concilia, rata manere, sicut et ante. Consuluerunt scilicet, famæ concilii, non propriæ, qui rem tam certam, verba tam plana negare palam non erubuerunt.

declares all clandestine contracts to be null, and their mixtures to be fornication and uncleanness. But they have overacted their zeal against a temporal inconvenience, and burn their house to roast an egg; they destroy a law of nature by a law of the church,—against the former practices, counsels and resolutions, even of their own church. For if those contracts are in themselves naturally valid and not forbidden by God, then they cannot rescind them: if they be not naturally valid, since they were always positively forbidden, why were they esteemed valid for so many ages? For till that council they were so; but finding that the former prohibitions were not strong enough, they took this course to break them all in pieces: and, out of desire to prevent an accidental evil, they made it more ready to be done. For it was before but feared, lest they should recede: but yet if they did, they were esteemed adulterers, if they married again: and they themselves knew, when they were precontracted: and therefore stood convicted and pinched in their own consciences, so long as the old laws remained, and men did not receive warrants to break the most sacred bands in the world: but by this nullifying the contract, they have not only leave to go off, but are commanded; and if they be weary of this, they may contract with another, and there is nothing to hinder them, if nature does not. This nullity, therefore, is a vehement remedy, that destroys the patient; besides that it is against the law of nature. The laws may forbid it to be done; but if it be, they cannot rescind it; because the civil constitution is less than the natural, and convenience is less than conscience, and man is infinitely less than God.

3. Some pretend to do a greater good; and to do it, break a contract justly made: and if the civil constitution allows it, the law of nature reclaims, and relieves the injured person. This was the case of the Pharisees, who denied to relieve their parents, out of zeal to fill the treasure of the temple, and thought that their voluntary religion excused from their natural duty. The church of Rome gives leave to either of the persons, who are married solemnly and contracted rightly, to recede from their vow and enter into religion, and declares the marriage separate and broken. Here nature calls upon the obliged party: and ought to prevail above any other

pretence; it being first in possession and faster in obligation: and if it be naturally an evil to break a lawful contract made without fraud, and which is in our power to keep,—then it ought not to be done for any good in the world.

4. Hither also are to be reduced, obligations by unsolemn stipulations, by command of parents, by intermination of curses, by mere delict amongst persons, against whom lies no civil action, as of servants to their lords, sons to their fathers: concerning which proper accounts are to be given in their own places. Here only they are to be noted in the general observation of cases, in which the law of nature hath made an obligation, when the civil power could not, or would not, or did not, against it.

But it is proper to discuss a difficult question, which intervenes upon this rule. The case is this: By the law of nature, every man hath power to make a testament of his own goods; but the civil law requires conditions of every testator, that the testament shall be ratified by so many witnesses, or else it shall be invalid. Sempronius, dying, leaves Caius his heir, and gives but a small portion to his son Porcius, but declares this by an unsolemn testament. The like may happen in all donations and actions, to which any solemnities of law are required.

Quest. The question is, whether the estate be due to Caius by the law of nature, or is not Porcius the son to be relieved by the civil constitution, which makes the unsolemn testament to be invalid? To this it is commonly answered, that to make a testament is not a law of nature, but a right only; which as a man may himself relinquish, so may the public laws restrain for the public good: for there being so many frauds in pretended testaments, it is necessary that provisions should be made to prevent the infinite evils that may happen. Now whatsoever is necessary, is also just; if the necessity be public, real, and unavoidable by other means: and if it be just, the public power hath sufficient authority to restrain any man's right for every man's good.

2. Every sentence of the judge in a clear case, that binds in law, does also bind in conscience; but if the judge of civil actions did know, that Sempronius really did appoint the stranger Caius his heir, yet, by the law, he were bound to declare for the son Porcius, and that the real unsolemn will

of Sempronius were to be accounted nothing: so that, although the law were made to prevent fraud, yet even when there is no fraud, and the judge knows there is none, yet the unsolemn testament is to be declared invalid by the law: which law, because it is just, and for a just cause, and by a competent authority, must bind in conscience by the force of the words of St. Paul: "Let every soul be subject to the higher powers."—And therefore, if the law be good, and the judge just, in giving the inheritance from Caius to Porcius,—certainly Caius must needs be unjust, if he detains it.

3. And this very thing is consented to in the canons of the church, which are usually framed, and ever to be presumed, "ubi contrarium non constat," to be more agreeable to the measures of conscience; and yet in the canon law, a testament framed and signed in the presence of two witnesses is not good, unless the parish-priest be present; and that no man can lawfully detain a legacy upon the warrant of such a will.

4. For since every act of man consists of the potestative and elective faculties, if either will be wanting, or power, the act is invalid. It is not therefore enough, though the will be manifest and confessed; for if the man have no power, his will is ineffective.

But this opinion, though relying upon fair probabilities and great authority, is not to be assented to as it lies, but with great caution and provisions. For a right of nature cannot be taken away by a civil power, entirely, and habitually, but only 'quoad exercitum actus;' the exercise of the act of that right may, indeed, be impeded for great reasons and to prevent great evils. Since, therefore, the power of making testaments is a natural right, and is wholly suspended in its act to prevent fraud in unsolemn testaments, where the case is evident and no fraud at all, although the civil law is still valid because it being established upon a general cause, though it fails in a particular it does not fail in the general, and therefore still is rate and firm;—yet because it does fail in the particular, where that is known, there is a port open for chancery, for considerations of piety, and religion. And, therefore, although in the case put, Porcius, who is the natural heir of Sempronius, is to take advantage of the civil

law against Caius; yet if Sempronius had made an unsolemn testament in behalf of his natural heir, that ought to have stood in the court of conscience. My reason is, because, in the law of nature, Porcius, the son, hath as much natural right to inherit, as Sempronius, the father, hath to make a testament; and therefore, although an unsolemn testament shall not be sufficient to interrupt a natural succession, because the rights of nature on either hand are equal,—yet the civil power can restrain his right, when there is nothing complicated with it: for his own consent is involved in the public constitution, and he may consent to the diminution of his own right, when no duty is infringed, that is, in those things, where only his own rights are concerned.

When, therefore, any thing of the law of nature is twisted with the right of nature, there is an obligation past which the civil constitution cannot annul. As if Sempronius command his son in an unsolemn testament, in private and without witnesses, to give such a legacy to Titius his nephew; although Titius cannot challenge it by virtue of that testament, yet the son is bound to pay it by the law of nature: for civil constitutions have effect upon a mere right, but none against a duty of nature: and therefore, although the testament of Sempronius shall not pass into legal, external, judicial warranty, yet it binds the son, and is valid as to him by the law of nature and conscience. And this was rarely well affirmed by Pliny[d]: "Hoc, si jus adspicias, irritum; si defuncti voluntatem, ratum et firmum est. Mihi autem defuncti voluntas (vereor, quam in partem jurisconsulti, quod sum dicturus, accipiant) antiquior jure est:" "If we regard the civil law, such testaments are invalid; yet if we regard the will of the testator, it is firm: but though I know not how the lawyers will take it, yet to me the will of the dead is to be preferred before the law:"—and more fully yet to Annianus[e]: "Tu quidem pro cætera tua diligentia admones me, codicillos Aciliani, qui me ex parte instituit hæredem, pro non scriptis habendos, quia non sunt confirmati testamento; quod jus ne mihi quidem ignotum est, cum sit iis etiam notum, qui nihil aliud sciunt. Sed ego propriam

[d] Lib. v. ep. 7, 2. Gierig. vol. 1. p. 420.
[e] Lib. ii. ep. 16, 1—3. Gierig. vol. 1. p. 170.

quandam legem mihi dixi, ut defunctorum voluntates, etiam si jure deficerentur, quasi perfectas tuerer. Constat autem codicillos istos Aciliani manu scriptos. Licet ergo non sint confirmati testamento, à me tamen, ut confirmati, observabuntur:"—"Every one that knows any thing, knows, that, in law, unsolemn testaments are invalid: but I have another law of my own;—if I know it was really the will of the dead, I will verify it though it want the solemnity of law:"—and this also was affirmed by Innocentius, saying, "Electionem quæ juri naturæ consentit, licet non serventur, juris solennitates tenere *."

And there is great reason and great piety in this sense or the question; for when a duty is any ways concerned, there is something owing to God, which no human power can or ought to prejudice. For it is in testaments, where any duty of any one is engaged, as it is in contracts of marriage, to which every one that can choose, is capable of being naturally obliged: now the relative of the obligation cannot in human courts claim either the advantage of an unsolemn testament, or unsolemn and clandestine contract, yet the relative who is obliged to duty, cannot be so quitted: and, therefore, the father can oblige a son in duty to perform an unsolemn testament; and every contracted person is bound to perform privately, what the other cannot challenge publicly: and this is not obscurely intimated by the law [f]: "Ex imperfecto autem testamento voluntatem tenere defuncti non volumus, nisi inter solos liberos à parentibus utriusque sexus;"—viz. "nisi liberi in sola dividenda hæreditate voluntatem habeant patris [g]."

And, for the confirmation of all this, it is remarkable, that they, who affirm an unsolemn testament to be utterly invalid, and that the law of nature is no remedy in this case, —yet affirm that it is of force in the matter of piety; as in donations to churches, the poor, and pious uses, as appears in Imola, Ananus, Antonius Rubeus, Covarruvias, and others: which concession of theirs could not be reasonable or consistent with their opinion, but that it is made so by the foregoing considerations; which certainly are the best medium to reconcile duty and prudence, the laws natural and civil,

* Cap. Quod. sicut; de election.
[f] L. hac consultissima C. de testam.
[g] Gloss.

the right of a man with the government of a commonwealth, and to state the question between the two parties who earnestly dispute it to contrary purposes.

For although the question is probably disputed on both sides,—yet there are on either hand instances, in which the solemnity of the law does, and does not, oblige respectively: which shows, that the probability is, on either hand, right and true; and the thing, as it lies in the middle, hath nothing certain or resolved; but is true or false, as it partakes of differing reasons. Now the reason of the whole is; because the solemnity of law is wholly to be regarded, where there is not a bigger obligation; where God hath not bound, and man hath bound, man is to be obeyed: but where God hath bound directly, there God is to be obeyed, whatever be pretended by men: but if God hath only bound indirectly and collaterally, as if it be a case favourable and pious, there the solemnity of law, which is against it, is not to prevail; but yet is to prevail in the behalf and prosecution of it.

Thus if a pupil makes a contract in his minority to his ruin, or signal detriment, he is to be relieved by the advantage of the civil law, which makes his contract invalid, because the person is declared incompetent; and he may lawfully take his remedy; and is not bound by the law of nature to verify it: because he being less naturally capable to contract, the other is, by the law of nature, bound not to do him injury, and take unequal advantages when every man hath equal right: and therefore, if he does prevaricate the natural law of justice which is equality, he also may lose the privilege which the other's action passed unto him; for the civil law declaring that minors shall not be prejudiced, makes up that justice or equality which nature intends. For the minor, with his less portion of understanding, and the defensative and retreat given him by the civil law, is made equal to the contractor who is perfect in his natural capacity. Equality must be done and had. And this is one way of inferring it.

Another way is: if the minor receives advantage by the bargain, then there is equality; for the want of his natural capacity is supplied by the advantageous matter, and therefore such contracts are valid, though the one of the contractors be legally incapable. But,

3. If the bargain gave some advantage on either side, the minor must not take the advantage offered him by the civil law to himself, unless he allow to the other his share of advantage in the bargain: for otherwise there is inequality. But,

4. Neither one nor the other is to be done, nor the contract to be rescinded, if the person was naturally capable,—that is, unless it be apparent by the consciousness of his own weakness, or the iniquity and folly of the contract, that he was less in nature than the other; and therefore, in this case, the civil law, rescinding the contract of the minor, does declare that he is incapable naturally as well as civilly: and the civil constitution does no way interfere with the natural, but ministers to it; making the natural instance even with the natural reason: for this being always alike, from the first to the last, the instance growing from imperfection to perfection, must in the progression be defended and supplied and be fitted to the other.

But in general, the rule is true, which Panormitan affirms, in prosecution of what I have now disputed: "Quando jus civile aliquid disponit contra jus naturæ, standum est juri naturæ:" and in particular to this very instance of unsolemn testaments Pope Alexander III. being asked, whether, according to the custom that was in the diocese of Ostia, a will could be valid, which was not attested by seven or five witnesses at least, gave in answer[h], "Tales leges à divina lege et sanctorum patrum institutis et à generali ecclesiæ consuetudine esse alienas; et ideo standum esse contra illas jure naturali, secundum quod 'in ore duorum aut trium stat omne verbum.'" Which words of his I only admit so far as they are agreeable to the former measures and limitation. For that a word is true, under the test of two or three witnesses, is not a prohibitive law or command of nature; but it was urged by our blessed Saviour to the Jews as a thing admitted to their law, and it is agreeable to the law of nature; but yet not so, but that a greater caution may be, in some cases, introduced by the civil constitution, as I affirmed above[i]: viz. when the innocent and equal state of nature, to which such simplicity or small duplicate of testimonies were suffi-

[h] Cap. cum esses de testa. [i] Rule 10. n. 51.

cient, becomes changed by frauds and artifices of evil men, —or new necessities are introduced, which nature did not foresee, and therefore did not provide for, but God hath provided for them by other means, even by a power given to the civil magistrate.

Lastly, to make up the measures and cautions of this discourse complete, it is to be added; that, when the civil laws annul an unsolemn contract or testament, it is meant, that such are to be declared null, when they come into judgment; not that the action, or translation of any dominion, inheritance, or legacy, is 'ipso facto' void: and, therefore, he that is possessed of any such, is not tied to make voluntary restitution, or to reveal the nullity of the donation, but to depart from it, when he is required by law: for he hath the advantage of a natural right or power in the donor, and that, being first, must stand till it be rescinded by a competent power; for the whole question being but probable on either side, the possessor, or the donee, hath the advantage till a stronger than he comes and takes away that in which he trusted.

RULE VI.

Sins against the Laws of Nature are greater or less, not by that Proportion, but by the Greatness of the Matter, and the Evil consequent, or the Malice of the Sinner.

This rule is intended to remedy a greater error, that is in the world and prevails very much to the abuse of men's persuasions in many cases of conscience;—viz. that all sins, which are unnatural, are the worst: and to be a sin against nature is the highest aggravation of it in the world: which if it were true in 'thesi,' yet, because when it comes to be reduced to practice, it is wrapped up in uncertain notices, it ought to be more warily handled. For when men have first laid huge loads of declamations upon all natural rights and natural wrongs, and then endeavoured to draw forth a collective body of natural laws, and they have done it by chance or as they please,—they have put it within their own powers to make what things they list as execrable as

murder or blasphemy; without any other reason, but that they have called them unnatural sins.

Concerning which these things are considerable:

1. All sins against nature are no more the most detestable than all sins against God: because if the kind of sins, or the general reason or object of its irregularity, were all that were considerable in this, nothing could be the aggravation of a sin more than this,—that it were against God. Now, because all sins are against God, and yet amongst them there is difference, the greatness of this appellative is not the only thing that is considerable. But this is, that as all sins are against God, so all are against nature, some way or other: and the reason that concludes against every sin, is that reason that is common to all wise men; and therefore it must be also natural: I do not mean, taught us without the help of revelation or institution,—but such as all men, when they are taught, find to be really, and in the nature of things so constituted, to be reasonable.

All voluntary pollutions are sins against nature; because they are satisfactions of lust in ways otherwise than nature intended: but they are not, all of them, worse than adultery or fornication. For although all such pollutions are besides nature's provisions and order, yet some of them are more single evils than fornication; which although it be against nature too, because it dishonours the body, yet it is by name forbidden in the commandment, which some of the others are not, but come in by consequence and attendance: and fornication includes the crime of two, which the other does not always; and it is acted with more vile circumstances and follies, and loss of time, and other foul appendages. It is said to be against nature to approach a woman during her natural separations. But if it be a sin (which I shall consider in its due place), yet it is of the smallest consequence and malignity; so that for a sin to be against nature, does only denote its material part, or the body of it; but does not always superinfuse a venom and special malignity, or greatness of crime into it, above other sins. But it is according as the instance is. Every sin against the duty we owe to our parents, is unnatural: but they have their heightenings and diminutions from other accounts, and in this they have variety. And it is observable, that there were some laws made concerning some of these and the like instances in the

judicial law of Moses: but none in the moral: and, therefore, that the irregularity in some of these cases, though it hath met with a foul appellative, yet is to be esteemed by more certain proportions than such casual appellations.

2. The breach of a commandment is a surer rule to judge of sins, than the doing against a natural reason. For there are many things, which are unreasonable, which are not unlawful: and some things, which are, in some circumstances, reasonable, but yet, in the law, forbidden and irregular: such are all those things which are permitted for the hardness of our hearts. So was polygamy to the patriarchs, and to the Jews. So is the breach of laws by an universal deficiency of the people; which though it be infinitely unlawful, yet, for the unreasonableness in punishing all, it becomes permitted to all. Therefore, to estimate the goodness or badness of an action by its being reasonable or unreasonable, is infinitely fallacious, unless we take in other measures. It is unreasonable that a man should marry when he is fourscore years old; but it is not unlawful. It is unreasonable for an old man to marry a young maiden; but I find no sin in it. Nothing is more against nature than to marry June and December; and it is unnatural to make productions by the mixture of an horse and an ass; and yet it is done without scruple. But, in these and the like cases, the commandment and nothing else is the measure of right and wrong.

3. When the measure of the commandment is observed, the degree of the sin is not to be derived from the greatness nor smallness of its unreasonableness in its own nature, nor yet by its contradicting a prime or a secondary reason.

The reason of the first is,—because there are no degrees of reason in the nature of things. Reason is an indivisible thing, simple as the understanding; and it only receives increase by numbers, or by complication with matter and relations. It is as unreasonable to think a thought against God, as to kill a man. It is as unreasonable and unnatural to speak against experience, as against a necessary proposition: against a truth in mathematics, as against a truth in Scripture; and in the proper natural reason of things there can be no difference in degrees, for a truth increases not, neither can it decrease.

The reason of the second is,—because that a reason is

prime or secondary, is accidental to the case of conscience, or to the efficacy of its persuasion. For before contracts were made or dominions distinguished, it was a prime truth, that such things, as every one seized on, were his own by the priority of title. It was a secondary truth, that every one was to be permitted to his right for which he hath contracted, and which is in his possession. Now these reasons are prime or consequent according to the state of things to which they are fitted, but the reason from thence receives no increment, nor the fact any alteration.

And this is also true, whether the reason be known to us with or without a teacher. For the highest truths of God are such, as are communicated by revelation; and it is all one, whether God teaches us by nature or by grace, by discourse or by experience. There is this only difference, that in such truths which are taught, some men can have an excuse, because all are not alike instructed in them; but in those things which are born with us, or are consented to as soon as spoken, it cannot be supposed but all men (that are not fools) know them; and, therefore, they can have no pretence of ignorance in such cases: so that sins against prime or secondary truths, against truths original or consequent, truths born or taught, do not differ in the nature of the things, but may cause an accidental difference in the person, and may take from him the excuse of ignorance, and so make the man more sinful; but not the action in itself and in its own nature worse.

RULE VII.

Actions, which are forbidden by the Law of Nature either for Defect of Power, or for the Incapacity of the Matter, are not only unlawful, but also void.

This is true in contracts, and acts of donation, in vows and dedition, and all rely upon the same reason. He that cannot give, and he that cannot be given, cannot contract or be contracted with. Titius intends to marry Cornelia's servant, because he desires to have children, and to live comfortably

with the wife of his youth. He does so; and in their first access he finds her, whom he thought to be a woman, to be a eunuch: and, therefore, not a person capable of making such a contract: she did ill in contracting, but she hath done nothing at all besides that ill, for the contract is void by the incapacity of the person.

Upon this account, the lawyers amongst the causes of the nullities of marriage, reckon 'error personæ,' 'the mistake of the person;' though certainly this is not to be extended beyond the mere incapacities of nature, if we speak of natural nullities. Thus if I contract with Millenia whom I suppose to be a lady, and she proves to be a servant, or of mean extraction, though if she did deceive me, she did ill in it; yet if she could naturally verify that contract, that is, do all the offices of a wife, the contract is not naturally void; whether it be void upon a civil account is not here to be inquired: but by the law of nature it is void, only if by nature it cannot be consummate. For by a civil inconvenience or mistake the contracts of nature cannot be naturally invalid; because that is after nature and of another consideration, and of a different matter. For that a man's wife should be rich, or free, is no more of the necessity of the contract of marriage, than it is that she should be good-natured, or healthful; with this only difference, that if a man contracts upon certain conditions, the contract is void, if the conditions be not verified; and for those things which are present and actual, he can contract, but not for what is future, contingent, and potential. A man may contract with a maiden to take her for his wife, if she be free, or if she have such a portion; but not upon condition, that she shall be healthful for seven years. Because whatever condition can be stipulated for, must be actual before consummation of the marriage: afterwards it is for better or worse: the want of any such condition is not so great an evil to the man, as it is to the woman to be left after she is dishonoured. So that if it be a thing, which can be contracted for, and be actually contracted for, in the destitution of the condition the contract is void. But if there be no such express stipulation made, there is nothing can be made a nullity by nature, but that which is a natural incapacity: and, therefore, if

a gentleman contracts with a slave whom he thinks to be a free woman, with a bastard whom he thinks to be legitimate, with a beggar whom he thinks to be a great heiress, the contract is naturally valid; because there is in it all the natural capacity; if she be a woman, if she can be a wife, and can be his, there is no more required to a verification of the contract in the law of nature. By the way I desire it be observed, that to separate or disannul a contract is not the same thing with declaring it to be null of itself or from the beginning. The reason why I insert this here, is, lest the explication of the rule seem infirm upon the account of other instances: for if a man marries a woman whom he took for a maid, and she proves not to be so, by the Mosaic law she was to be separated by death or divorce: but this is not a nullity: but a divorce may be for that cause, which was in being before the marriage, as well as for the same reason after.

The other natural cause of invalidity is when the contract is made by him, who had no power naturally to make it. This happens in case of precontracts. Spurius Fescennius woos a Greek virgin, and obtaining her consent, contracts himself to her, and promises to marry her within a certain limited time. But before the expiration of that time, Publius Niger dies, and leaves his widow young and rich, and noble; which advantages Fescennius observing, grows in love with them, and in a short time quits his pretty Greek, and marries the rich Roman lady. But being troubled in conscience about the fact, inquires what he hath done, and what he ought to do: and he was answered thus, 'If he was married to the Greek, he must return to her if she will receive him, and quit his new lady; because he was not a person capable to contract with her, being married to another: a dead man may as well marry, as that a husband can marry to another, and quit that which had possessed all his former power.' For, in all moral actions, there must be a substantial, potestative principle, that must have proportioned power to the effect; a thing cannot be done without a cause and principle in morality, any more than in nature. If a woman goes about to consecrate the holy sacrament, it is χεὶρ ἄκυρος, it is 'an ineffective hand,' she sins for attempting it, and cannot

do it afterwards; and it were wiser and truer, if men would think the same thing of their giving baptism, unless they will confess that to baptize children is a mere natural and secular action, to which natural powers are sufficient; or that women have received spiritual powers to do it; and that whether a priest or a woman does it, is no difference, but matter of order only. If an effect be spiritual, the agent must be so too; if the effect be gracious and precarious, so must the active cause; thus it is in contracts, and donations, which cannot be done without the power of him that does it. But he who hath already given away his power, hath none to act withal: he cannot do one action twice.

But this is to be understood only after the actual cession of the power and active principle; not after promises, but after possession. Therefore, if Fescennius was only contracted or promised for the future, though he sinned grievously in afterwards contracting with the other, yet it is valid. For a promise takes not away our dominion in a thing, but obliges us to use it in a certain manner. Bartolus appoints his cousin Ancharanus, to be his proctor at a synod, and promises that he will not revoke the deputation: but afterwards does; he is a breaker of promise; but the revocation is good. So it is in testaments, and so in promises. For, if, after promise, we have no right in the thing which we have promised, then we have no power to perform it; but if we have a right, then the after act is valid, because it hath a natural potestative cause; but if the power be past from us, as if Fescennius were married to the Greek, he had not himself to give; for as he in the comedy[a] said of servants,

Τοῦ σώματος γὰρ οὐκ ἐᾷ τὸν κύριον
Κρατεῖν ὁ δαίμων, ἀλλὰ τὸν ἐωνημένον.

"The man hath not power over his own body, but the master hath;" so hath the wife over the husband, and therefore he hath nothing now to give, and if he does, he does nothing; the man loses his honesty, but the wife does not lose her right. But of the instance I am to speak in its own place. Here only I am to consider the general rule and its reason.

[a] Aristoph. Plutus. 6. Brunck.

RULE VIII.

When an Act is forbidden by the Law of Nature for the Turpitude and Undecency that it hath in the Matter of the Action, the Act is also void, when the Turpitude remains or hath a perpetual Cause.

He that contracts a marriage with his father's wife, or any marriage, in which every illicit act is a new sin, hath not only sinned in making the contract, but the marriage is void by the law of nature; and the reason is, because no man can bind himself to sin; so that here also there is a defect of power: no man can bind himself against God; and the law of nature, whose prime rule is to do good and to eschew evil, cannot verify an act, which prevaricates her greatest principle. Nature cannot give leave to sin against nature; it were a contradiction: for then the same thing should be according to nature, and not according; and this is expressly affirmed in the law[a]; "Quod leges prohibent, si perpetuam causam servaturum est, cessat obligatio: ut si sororem sibi nupturam aliquis stipuletur." He that promises to marry his sister is not bound to verify it; and if he have done it, he is bound to quit her, because every act of conjunction with her is incestuous, and a state of sin cannot be consented to, nor verified by nature, who is an essential enemy to it.

This is to be understood only in things forbidden by the law of nature, the eternal law of God, or his positive temporary law; but is not true in things forbidden only by men: the reason of them both is, because no man hath power to contract against a Divine law: but if he have contracted against a human law, his contract is established by a Divine law, and is greater than the human, where the Divine does not intervene by some collateral interest. The law of the church of Rome forbids some persons to contract marriage; and yet if they do, the contract is valid; because the persons being naturally, or by Divine law, capable of contracting, they only sinned who entered against law or leave, but they sinned then only; for the after-actions, being no sins, cannot be invalidated.

[a] L. si stipuletur. de verb. oblig.

And yet if the contract be made against a Divine law, it is not invalid, unless the Divine law have a perpetual influence upon the state, or renewed actions. If a Jew did buy and sell upon the sabbath, he sinned against a Divine law; but his contract is valid. He that contracts with a woman of fornications, and lies with her for a price, hath sinned in so doing, but is bound to pay her the price of her lust: because nothing here is against the Divine law but the fornication; but the contract being extrinsical to the nature of the sin, is not made null by that sin: but that which is intrinsically evil, is for ever so, and therefore must be broken in pieces.

In all other cases, whatsoever is forbidden by the law of nature, is a sin, if it be done, but it is valid and effective to all purposes of that law. It is against the law of nature to take a great price for a trifle, but if it be contracted for, it must be paid. If a thief makes me promise to pay him twenty pounds the next day; though he sinned against a natural law in doing me that violence, and exacting of me that promise, yet the stipulation must stand.

The sum is this; wherever there is power, and will, and, in the permanent effect, consonancy to the prime measures of nature, there the actions are valid, though they entered at the wrong door.

But, he that wants power, let his will be ever so strong, it effects nothing without: it is just like the king that commanded the waves of the sea not to come to the foot of his chair; they came for all his will to the contrary.

He that wants will, wants also an integral part of the constitution of the act, and does nothing.

But when he hath a natural and legal power, and an effective will, yet if the whole state or the after-actions dwell in sin, it cannot be permitted by nature, but must be turned out of doors.

RULE IX.

The Law of Nature can be dispensed with by the Divine Power[a].

I AM willing publicly to acknowledge, that I was always, since I understood it, a very great enemy to all those ques-

[a] Vide reg. 1. n. 43, 44, &c.

tions of the school, which inquire into the power of God: as 'whether, by God's absolute power, a body can be in two places:'—'whether God can give leave to a man to sin:'—and very many there are of them to as little purpose. But yet here I am willing to speak in the like manner of expression, because the consequent and effect of it goes not to a direct inquiry concerning the Divine power, for it intends to remonstrate, that because God does actually dispense in his own law, this prime law of God, or the law of nature, is nothing else but the express and declared will of God in matters proportionable to right reason and the nature of man.

2. But in order to the present inquiry, it is to be observed that God's dispensation is otherwise than man's dispensation; 1. God is the supreme lawgiver, and hath immediate power and influence over laws, and can cancel these, and impose those, new or old, as he please. By this power it is, that he can relax to particular persons their personal obligation 'quod hic et nunc et sic;' and if he does, the law still remaining in its force and power to other persons and in other cases, this is properly dispensation. 2. God is the supreme Lord, and can transfer dominions and take away kingdoms, and give them to whom he please; and when he makes such changes, if he commands any one to be his minister in such translations, he does legitimate all those violences, by which those changes are to be effected: and this also is a dispensation: but improperly. 3. God is also the supreme judge, and can punish and exauctorate whom he please, and substitute others in their room: and when he does so by command and express declaration of his will, then also he dispenses in those obligations of justice, or obedience, or duty respectively, by which the successor or substitute, or minister, was hindered from doing that which, before the command, was a sin, but now is none: and this also is another manner of dispensation. Some doctors of the law are resolved to call nothing dispensation, but the first of these: and the other under another name shall signify the same thing; but, say they, he only dispenses who takes off the obligation directly, by his legislative power, without using his judicative and potestative,—he who does it as an act of direct jurisdiction, not as a lord, or a judge, but

as a lawgiver: now say they, 'God does never, as a lawgiver, cancel or abrogate any law of nature: but, as a lord, he transfers rights,—and, as a judge, he may use what instruments he please in executing his sentence, and so by subtracting or changing the matter of the laws of nature, he changes the whole action.'—To these things I make this reply.

1. That this is doing the same thing under another manner of speaking. For when it is inquired, whether the law of nature is dispensable, the meaning is, whether or no that which is forbidden by the law of nature, may, in certain cases, be done without sin: but we mean not to inquire whether or no this change of actions from unlawful to lawful be that which the lawyers, in their words of art, and as they define it, call 'dispensation:' for in matters of conscience, it is pedantry to dispute concerning the forms and terms of art, which men, to make their nothings seem learning, dress up into order and methods, like the dressings and paintings of people that have no beauty of their own: but here the inquiry is, and ought to be, more material, in order to practice and cases of conscience. For if I may by God be permitted to do that, which by the law of nature I am not permitted, then I am dispensed with in the law of nature, that is, a leave is given to me to do what otherwise I might not.

2. That the doing of this by any of the forenamed instruments or ways, is a dispensation, and so really to be called, appears in the instances of all laws. For if it be pretended, that the pope can dispense in the matter of vows, or a prince in the matter of marriages; which are rate and firm by the law of nature; he cannot do it by direct jurisdiction or by annulling the law, which is greater than either king or bishop: for when a dispensation is given in these instances, it is not given but when there is cause: and when there is cause, the matter is changed; and though the law remains, yet in a changed matter the obligation is taken off; and this is that, which all the world calls dispensation, and so it is in the present question; when God changes the matter or the case is pitiable, or some greater end of God is to be served, that is, when there is cause, God dispenses, that is, takes off the obligation. Here only is the difference.

3. In Divine dispensations, God makes the cause; for his

laws are so wise, so prudent, so fitted for all needs and persons and all cases, that there is no defailance or new arising case which God did not foresee: but because he hath ends of providence, of justice, of goodness, or power to serve, he often introduces new causes of things, and then he gives leave to men to finish his designs by instruments, which, without such leave, would be unlawful. But, in human dispensations, the cause is prepared beforehand, not by the lawgiver, but by accident and unavoidable defect: for, without cause, dispensations are not to be granted; but in both, the dispensation is not without the changing of the matter, that is, without altering the case. God does not give leave to any man to break a natural law, as long as he keeps that natural law in its own force and reason; and neither does a prince or bishop give leave to any subject to break any of his laws when there is no need: for the first would be a contradiction, and the second a plain ruin of his power, and a contempt to his laws: therefore, in the sum of affairs, it is all one; and because actions, generally forbidden by the law of nature, may by God be commanded to be done, and then are made lawful by a temporal command, which he made unlawful by nature or first sanction; this is a direct dispensing with single persons in the law of nature. And to say it is not a dispensation, because God does not do it by an act of simple jurisdiction, but by the intertexture of his dominative and judicial power,—is nothing but to say that God, having made a law agreeable to reason, will not do against that reason which himself made, till he introduces a higher, or another. For while all things remain as was foreseen or intended in the law, both divine and human laws are indispensable; that is, neither God in his providence, nor men in the administration of justice and government, do at all relax their law. If it be said, a king can do it by his absolute power, though it be unjust: I confess this God cannot do, because he can do no wrong: but if God does it, his very doing it makes it just: and this a king cannot do. But if the question be of matter of power, abstracting from considerations of just or unjust; there is no peradventure but God can do in his own law, as much as any prince can in his. When the matter is changed, the Divine law is as changeable as the human, with this only difference, that to

change the matter of a Divine natural law, is like the changing of the order of nature; sometimes it is done by miracle; and so is the law also changed, by extraordinary dispensation; but this, although it can happen as often as God please, yet it does happen but seldom as a miracle; but, in human laws, it can and does often happen, and therefore they are to be dispensed with frequently: and sometimes the case can so wholly alter, and the face of things be so entirely new, and the inconvenience so intolerable, that the whole law must pass away into desuetude and nullity; which can never happen in the Divine natural law; because the reason of it is as eternal as nature herself: and can only be interrupted by rare contingencies of God's procuring, as the order of nature is by miracle; but will revert, because nature will return into her channel, and her laws into their proper obligation.

4. But now to the matter of fact that God hath dispensed not only by subtraction or alteration of the matter, but by direct jurisdiction,—that is, as he is a judge, and a lord, and a lawgiver, even in all the ways, in which dispensations can be made,—appears in several instances.

1. That the marriage of one man and one woman is by the law of nature, appears by the institution of marriage, and by Christ's revocation of it to the first sanction. It was so from the beginning: and if any thing be a law of nature, that is one by the consent of all men: and yet Moses permitted divorces; and God, and Moses, his servant, permitted polygamy, when there was no necessity, no change of the matter or of case, but only that men had a mind to it. For if the conjunction of male and female was established 'in singulari conjugio' at the first, when there might be a greater necessity of multiplying wives for the peopling of the world, then as the world grew more populous, the necessity could less be pretended; therefore, this must be an act of pure jurisdiction: the causes of exception or dispensation grew less, when the dispensation was more frequent, and, therefore, it was only a direct act of jurisdiction. Though I confess that to distinguish dominion from jurisdiction, and the power of a judge from that of a lawgiver, I mean when both are supreme, and the power of a lord from them both, is a distinction without real difference; for as he is our lord

he gives us laws, and judges us by those laws: and, therefore, nothing is material in this inquiry, but whether the action can pass from unlawful to lawful; though because lawyers and other schools of learning use to speak their shibboleth, I thought it not amiss to endeavour to be understood by them in their own way. So again, that brother and sister should not marry, is supposed to be a law of nature; but yet God dispensed with it in the case of Cain and his sister: and this he did as a lord or as a lawgiver; he made it necessary to be so, and yet it was not necessary he should make it so; for he could have created twenty men and twenty women as well as one: but that which is incest in others, was not so in him; but there was no signal act of dominion or of judicature in this, but it was the act of a free agent; and done because God would do so; whether this be jurisdiction or dominion, let who can, determine.

2. But in some things God did dispense by changing the matter, using that which men are pleased to call the right of dominion. Thus God did dispense with Abraham in the matter of the sixth commandment; God commanded him to kill his son, and he obeyed, that is, resolved to do it, and willed that, which in others would be wilful murder. Now God was lord of Isaac's life, and might take it away himself, and therefore it was just: but when he gave Abraham command to do it, he did not do it but by dispensing with him, in that commandment. It is true that God, by his dominion, made the cause for the dispensation; but yet it was a direct dispensation; and it is just as if God should, by his dominion, resolve to take away the lives of the men in a whole nation, and should give leave to all mankind to kill all that people as fast as they could meet them, or when they had a mind to it: and this was the case of the sons of Israel, who had leave to kill the Canaanites and their neighbours. God dispensed with them in the matter of the sixth and eighth commandments: for it is not enough to say, that God, as lord of lives and fortunes, had divested them of their rights, and permitted them to others: for that is not enough, that God, as lord, hath taken away the lives, and liberties, and possessions of any man, or community of men: for that act of dominion is not enough to warrant any man to execute the divine decree; nay, though God hath decreed

and declared it concerning a crime that it shall be capital, yet a man must have more than this to make it lawful to put that man to death. He must be a minister of the divine jurisdiction; he must have a power intrusted to him from God, and a commission to execute the divine sentence; and from hence it follows undeniably, that since the delegate power is a delegate jurisdiction, and without this, a man may not put a capital offender to death; that, therefore, the Supreme Power from whence the delegation is commissionated, is also a power of jurisdiction; and, therefore, if the words of their own art are true, this leave given to do that which, without that leave, were a sin against the law of nature, is properly and truly a dispensation.

3. The third way of dispensing is by applying the power of a judge to a certain person or community, and, by way of punishment, to take from him what cannot be taken from him but by superior power, or by the Supreme; thus we are commanded, by the law of nature, to give nourishment, and to make provisions for our children; but if our children prove rebellious and unnatural, God can command us to neglect that duty, and to expose them to the contingencies of fortune. It is, by the law of nature, commanded to us to love and honour our parents, to be loving and kind to our children; but if parents enticed their children to idolatry, their children might lay their hands upon them, and stone them to death. It is a command and a prime rule of the law of nature, that we should do as we would be done to: but even in this original rule and great sanction, God did dispense with the Israelites, for they might not exact upon one another by usury; but to strangers they might: what they hated to have done to themselves, they were willing and expressly permitted to do to others. In these and the like cases, although an act of dominion or judgment might intervene, yet that is not enough to warrant the irregular action; there must be an act of jurisdiction besides, that is, if God commands it, or, by express declaration, warrants it, then it may be done. Thus God, as a judge, and being angry with David, intended to punish him, by suffering his concubines to be humbled by his son in the face of all Israel: but though he did it justly, yet because Absalom had no command or warrant to do what God threatened, he was criminal.

But Jeroboam and Jehu had commissions for what they did, though of itself it was otherwise violent, unjust, rebellious, and unnatural; and, therefore, did need the same authority to legitimate it, by which it became unlawful. God often punishes a prince by the rebellion of his subjects; God is just in doing it: but he hates the instruments, and will punish them with a fearful destruction, unless they do repent; in this case, nothing can warrant the subjects to strike, but an express command of God.

Thus, I conceive, the thing itself is clear and certain; but for the extension of this, the case is yet in question, and it is much disputed amongst them that admit this rule in any sense, how many laws of nature can be dispensed with: for if all, then the consequents will be intolerable; if not all, by what are they separated, since they all seem to be established by the bands of eternal reason. Some say that the precepts of the second table are dispensable, but not the first; but that is uncertain, or rather certainly false; for if God did please, he might be worshipped by the interposition of an image; or if he essentially should hate that, as indeed in very many periods of the world he hath severely forbidden it; yet the second commandment and the fourth have suffered alteration, and in some parts of them are extinguished. Others say that the negative precepts are indispensable; but not the affirmative. But this is not true; not only because every negative is complicated with an affirmative, and every affirmative hath a negative in the arms of it, but because all the precepts of the second table, the first only excepted, are negative; and yet God can dispense with all of them, as I have already proved.

But though it be hard to tell how far this dispensation and economy can reach, and to what particulars it can extend, because God's ways are unsearchable, and his power not to be understood by us; yet since our blessed Saviour hath made up a perfect system of the natural law, and hath obtained to himself an everlasting kingdom, so that his law must last as long as the world lasts, and by it God will govern mankind for ever; by the eternal reasonableness and proportions of this law, we can tell what is indispensable and what not: and the measure by which alone we can guess at it, is this,—every matter from whence the 'ratio debiti,' or

'cause of the obligation,' can be taken, is dispensable. Now because God is supreme over all his creatures, and can change all their affairs, and can also choose the manner of his own worship, therefore in these things he can dispense.

But in that essential duty, which his creatures owe to him, the case is different; for though God can exact more or fewer instances of affirmative duty, these or others, yet there cannot be an alteration of the main relation; and of the intrinsic duty, and the intercourse of the soul with God in the matter of the principal affections, there can be no dispensation. It is eternally and indispensably necessary, that we love God, and it were a contradiction that either God should command us to hate him, or that we could obey him if he did. For obedience is love; and, therefore, if we obeyed God commanding us to hate him, we should love him in hating him, and obey him by our disobedience.

Now if it be inquired, to what purposes of conscience all this inquiry can minister; the answer to the inquiry will reduce it to practice; for the proper corollaries of this determination of the question are these:

1. That our duty to God is supreme; it is only due to him; it cannot be lessened, and ought not, upon any pretence, to be extinguished; because his will is the only measure of our obedience; and whatsoever is in nature, is so wholly for God and for God's service, that it ought to bend, and decline from its own inclination to all the compliances in the world which can please God. Our reason, our nature, our affections, our interest, our piety, our religion, are, and ought to be, God's subjects perfectly; and that which they desire, and that which we do, hath in it no good, no worthiness, but what it derives from the divine law and will.

2. That, in the sanction of the divine laws, the reason obliges more than the letter: for since the change of the reason is the ground of all mutation and dispensation in laws, it is certain that the reason and the authority, that in the thing, this in God, are the soul and the spirit of the law: and though this must not be used so as to neglect the law when we fancy a reason, yet when the letter and the reason are in opposition, this is to be preferred before that. If the reason ceases, it is not enough of warrant to neglect the law;

unless a contrary reason arises, and that God cannot be served by obedience in that instance: but when the case is not only otherwise but contrary to what it was before; let the design of God be so observed, as that the letter be obeyed in that analogy and proportion. It is a natural law, that we should not deceive our neighbour; because his interest and right is equal to any man's else: but if God hath commanded me to kill him, and I cannot, by force, get him into my hand, I may deceive him whom God hath commanded me to kill; if, without such a snare, I cannot obey the command of God. But this is but seldom practicable, because the reasons, in all natural laws, are so fixed and twisted with the accidents of every man's life, that they cannot alter but by miracle, or by an express command of God; and therefore we must, in the use of this rule, wholly attend upon the express voice of God.

3. It hence also will follow, that, if an angel from heaven, or any prophet, or dreamer of dreams, any teacher and pretendedly illuminate person, shall teach or persuade to any act against any natural law, that is, against any thing which is so reasonable and necessary, that it is bound upon our natures by the Spirit of God and the light of our reason,—he is not to be heard: for until God changes his own establishments, and turns the order of things into new methods and dispositions, the natural obligations are sacred and inviolable.

4. From the former discourses it will follow, that the holy Scriptures of the New Testament are the light of our eyes, and the entire guide of our conscience in all our great lines of duty; because there our blessed Lord hath perfectly registered all the natural and essential obligations of men to God, and to one another; and that in these things no man can or ought to be prejudiced; in these things no man is to have a fear, but to act with confidence and diligence, and that concerning the event of these things no man is to have any jealousies; because since all the precepts of Christ are perfective of our nature, they are instruments of all that felicity, of which we can be capable, and by these we shall receive all the good we can hope for: and that, since God hath, by his holy Son, declared this will of his to be lasting, and never more to be changed by any succeeding lawgiver,

we must rest here, and know that no power less than God can change any thing of this, and that, by this law, we shall stand or fall in the eternal scrutiny.

RULE X.

The Law of Nature cannot be dispensed with by any human Power.

The reason is, 1. Because nature and her laws have both the same author, and are relative to each other, and these as necessary to the support and improvement of human nature, as nourishment to the support of human bodies: and as no man can create new appetites, or make hay or stones to be our nourishment: so neither can he make, that our nature should be maintained in its well being without these laws. 2. The laws of nature, being bound upon us by the law of God, cannot be dispensed withal, unless by a power equal or the same, or superior to that which made the sanction: but that cannot be at all; therefore neither can they be dispensed with at all, unless it be by God himself. 3. Natural laws are all the dictates of natural reason; and he that dispenses with the law, must have power to alter the reason, which because it can never be done but by superinducing something upon nature greater than her own natural need, and none can do this but God; therefore none but he can dispense.

But because wise men[a] have publicly said it, "Per jus gentium et civile aliquid detrahitur de jure naturali;" "by the law of nations and the civil laws, something may be diminished from the law of nature;" it is to be considered what truth they could signify by those words: for unless by some instances of case they had seen it lawful, it is not to be supposed it could have been, by so wise persons, made sacred. But the following measures are its limit.

1. Whatsoever is forbidden by the natural law, cannot be

[a] L. Manumissiones. et L. jur. civile, ff. de justitia et jure et in sect. jus autem. Instit. de jure Natur. Gentium et Civili.

permitted by the civil; because where the highest power hath interposed, there the inferior and subordinate hath no authority; for all it hath being from the superior, it cannot be supposed it can prejudice that, from whence it hath all its being; for if it could be otherwise, then either the inferior must be above the supreme, or the supreme must submit itself to what is under it.

2. Whatsoever is commanded by the law of nature, cannot be forbidden by the civil law; for God, who is here the lawgiver, is to be heard; and he sets up no authority against himself, nor gives any man leave to disobey him. These rely upon the same reasons, and are described above.

3. That which the law of nature hath permitted, and no more, may be made up into a civil law, or it may be forbidden, according to that rule in the law, "Quod licitum est ex superveniente causa, mutatur:" "That which is only lawful by a supervening cause, may be changed." For rights are before laws in time and nature; and are only such licenses as are left when there are no laws. Commands and prohibitions of nature not being the matter of civil laws, unless it be by way of corroboration; there can no laws be made in a natural matter, unless there be restraints or continued permissions of their first rights. For that which, in morality, we call "indifferent,"—in nature we call "a right;" that is, something that is permitted me to do or to use as I see cause for, is a thing upon which no restraint is made; that is, there is no law concerning it: but, therefore, the civil law may restrain it, because the liberty and its use may do mischief, and there is no law hinders it to be disposed by men. For if I may, by my private power or interest, use any of it, or deny myself the use of it, much more may the civil power do it. I might not do it myself, if any law of God had forbidden me; but if no law of God hath forbidden, what can hinder but that the civil power may order it? such are natural liberty, community, powers of revenge, of taking any thing, of killing any man that injures me.

4. That which is confirmed by the law of nature, may, by the civil power, be altered and dispensed with: which happens in two cases.

1. When the obligation supposes a foregoing act of the will, and is arbitrary in one of the terms of relation. Titius

owes a thousand pounds to Caius, and by the essential or natural laws of justice is bound to pay him; but because this supposes a private right in Caius, upon whom there is no restraint but he may use it, or let it alone; therefore Caius, being at his liberty, may refuse to use his power of demanding the money of Titius, and forgive it him; and if he do, Titius, although bound by the natural law to pay him, is, by the private power of Caius, dispensed with. Because in obligations, as in arguments, if there be one leg that can fail, the conclusion is infirm. If one part can be loosed, the continuity of the whole is dissolved.

2. The other case is like this, when the obligation is upon a condition, if the condition of itself fails or be annulled by any just power or interest, the obligation which was introduced by the law of nature, can be rescinded or dispensed with: for nature binds and looses according to the capacity of the things. It passes a temporal band upon temporal reasons and necessities, and an eternal band upon that whose reason can never fail, and where the necessity is indeterminable. And if a natural law could bind longer than that reason lasts for which it did bind, then a natural law could be unreasonable, which is a contradiction. But then if the law does not bind in this case, beyond the condition; then it is but improperly to be called a dispensation, when it is relaxed; but it is usual to call it so, and it is well enough; for it means this great direction to conscience, that though the law of God be eternal, yet its obligation may cease in the foregoing cases: for even judges are said to dispense by interpreting the law and applying that interpretation to particulars.

5. The civil law can extrinsically change the natural law. For things may be altered or cease by an intrinsic or by an extrinsic cause. A father ceases to be a father when he dies, and he ceases to be a father if all his children die; this alteration is by an extrinsical cause; but to all effects and purposes it is the same as to the present case. Now, though nature cannot die, as species do not perish; yet nature may change as individuals may die: that is, if the matter of the law be subtracted, or so changed that it is to be governed with another portion of reason, then the law also must cease as to that particular. For as in the body of man there is

great variety of accidents and mutability of matter, but all that variety is governed by the various flexures of the same reason, which remains unchanged in all the complications and twistings about the accidents, and is the same though working otherwise: so it is in the laws of nature; whose reason and obligation remains unchanged, even when it is made to comply with changing instances; but then it cannot but be said to change, even as eternity itself hath successive parts by its co-existence with variety of times. Tribonianus swears fealty to Tarquinius Priscus, king of the Romans, and to his heirs for ever; by the laws of nature he is now obliged, but if he and his son Sextus be deposed and murdered, and a new government established in another form or in another time,—the law of nature cannot bind him to that which is not, and therefore he is disobliged.

The sum is this: when natural and prime laws are in prime and natural instances whose matter is unchangeable, —there the law of nature cannot be prejudiced by any but by the Lord of nature: and the reason of this is no other but the necessity and constitution of nature: God hath made it so, and it is so to be served, so to be provided for, and the law is a portion of the eternal law, an image of the divine wisdom, as the soul is the image of the divine nature. But when the natural laws are in a matter that can be prejudiced, and do presuppose contract, cession, condition, particular states, or any act of will, whose cause is not perpetual, the law binds by the condition of the matter; and the eternal law goes from its own matter as the immortal soul does from the body. Thus we say, that God's gifts are without repentance, and his love never fails, and his promises are for ever, and yet God takes away his gifts, and does repent of his loving kindnesses, and takes away his love, and will not give what he had promised; but it is not because he changes in himself, but the correlative of his actions and promises are changed.

So that now, upon this account, the whole question and practice about the pope's power in dispensing in the natural law, will appear to be a horrible folly, without any pretence of reason; and the thing, by its chiefest patrons, seems not at all to be understood. For since the rules of nature are

unalterable and eternal, the law being framed upon those rules complicated with matter, and persons, and events, is also eternal, excepting only where the matter is or can be changed. Now if the matter be in prime instances, as the conjunction of sexes, relation of parents and children, &c., the law is the same for ever; only this, if the matter, by a miracle or extraordinary act of God, be changed, by the same power the law is to be changed: but as we say rivers and seas run for ever, and yet Jordan was opened and so was the Red Sea, and the perpetual course of the sun and moon was once stopped, but it reverted when the extraordinary case was past: so it is in the law of nature, which, in the prime instances and natural matter, is as unalterable as the course of the sun and seas.

But 2. Sometimes the matter changes alone, or is changed to our hand, as in conditional contracts, and in this case the law ceases, and the obligation goes off as to that particular.

But 3. Sometimes the matter is changeable by the will of the interested persons, and by none else but themselves, and them who have over them the power which themselves have: such as God, and under him, the supreme human power, their own princes. Now to apply this to the question of the pope's power in giving dispensations: I consider that,

1. To establish his power upon any words of Scripture, is to pretend that his power of dispensing is an act of jurisdiction and direct authority, that is, that he hath commission to do it with or without reason or cause founded in the thing itself, but only because he will; and he that does so, says he can do more than (as many of the most learned Roman doctors say) God can do; for he dispenses in the law of nature in no case, but when he changes the matter, in the prime or second instances of nature respectively, which when the pope can do, he also may pretend to a commission of being lord of nature: but it is certain, that for this there are no words of Scripture. But 2. If this power of dispensing be such as supposes the matter already changed, that is, that there is a just cause, which is, of itself, sufficient, but is not so to him who is concerned, till it be completely declared,—then all the dispute will be reduced to this, whether he be the most probable doctor? for to expound when a natural

obligation ceases, is not an act of power, but of wisdom; and that the pope is the wisest man, or the only wise man, it is also certain that there are no words of Scripture to affirm it. But besides this, in cases of this nature, there needs no dispensation; for the law ceases of itself; as in contracts made upon condition, when the condition is not performed. In human laws, where the subject is bound more by the authority than the matter of laws, the law may still be obligatory after the ceasing of the reason or matter of the law; and so there may be need of dispensation: but we speak here of laws bound on us by God and nature, in which the very ceasing of the matter, of itself, dispenses with the law. But 3. If it be yet more than this, and that in a changeable matter, I mean, in things that are not prime instances of nature, and of lasting necessity, but in human contracts, promises, laws, and vows, which depend upon the pleasure and choice of men, but yet are corroborated by the law of nature, he pretends to a power of altering the case so as to make way for dispensation; then the pretence reaches to this, that the pope must be lord of actions and fortunes, and the wills of others and the contracts of men; that is, in effect, that no contract shall be valid, unless he please; and no man shall choose for himself; or if he does, he needs not stand to it: and no man can have a right transferred to him by a contract, but it can be rescinded against the will of the interested person, and if he can have any such power to do thus much mischief, then justice will be the most contingent thing in the world: and the question will not be a question of theology, but of empire, and temporal regard, and therefore for this no words of Scripture can be pretended, because no words of Scripture of the New Testament ever did transfer an empire, or temporal power, to a spiritual person for a spiritual reason: so that this will be a question of war, not of peace and religion. To which I add this, by way of provision; that although supreme princes have, in some cases, power to rescind contracts of their subjects,—and parents, of their children; yet this is only, in their own circuits, done by mutual consent, in case of public necessity or utility, of which, by reason and the laws, they are made competent judges: which the pope also may have in his

temporal dominions as well as any other prince: but this is not dispensation, but the annulling of contracts or promises; it makes them not to be at all, not to cease after they have a being, which is the nature of dispensation, of which we now inquire. But the matter of this question, and the particular instance, as it relates to the bishop of Rome, is of another consideration.

6. The civil law can add to the law of nature:—not only new obligations by affixing temporal penalties; but by requiring new circumstances to corroborate and consummate an action: not that the civil law of a prince or republic can annul any thing which nature hath confirmed, but it can hinder it from passing into a civil and public warranty. Thus a clandestine contract is valid by the law of nature; and in the court of conscience there are witnesses, and judges, and executioners, and laws, and penalties, to exact the performance of it: but when the civil or ecclesiastic law hath commanded, that, in all contracts of marriage, there should be witnesses, it must mean, that the contract shall not be acknowledged for legitimate, unless there be; and, therefore, that the contract must be solemnly published, before it be civilly firm. No civil power can so injoin witnesses, as that, if the contract be made without witnesses, it shall not be obligatory in conscience. For this obligation is before the civil law, and is bound by that power, by which the civil power hath a being. But the civil power, which cannot annul the act of nature and conscience, can superinduce something upon it. It cannot make the contractors to go back from what they have done, but to proceed to something more, that what was firm in the inward, may be confirmed in the outward court. By our laws, the clandestine contract is civilly null before publication; but in our religion, we believe it obligatory in conscience, and that it must come into publication. But, by the laws of Rome, the whole contract is nullified, and the persons disobliged, and the marriage after consummation is dissolved. This is against the law of nature, but the other is a provision for it by additional security, that is, a taking care that the contracts of nature may not be denied.—For the confirmation of a natural contract nothing is necessary but a natural capacity not

hindered by the Lord of nature.—Whatsoever, therefore, is superinduced upon nature, cannot disannul that, to which all things competently necessary are ingredient; a condition brought in by a less power cannot invalidate that, which, before that condition, was valid: but as civil powers derive their authority from natural laws and reason, so to these they must minister, and they may do it by addition and superfetation; but they may not violate them by irritation.

RULE XI.

That the Obligation to a natural Law does cease in any particular, is not to be presumed by every one, but is to be declared by the public Voice.

This depends upon the foregoing discourses, and is consequent to them. For the several dispensations in the law of nature being wrought by the change of their subject matter, the rule can never be changed; because that is eternal, and is abstract from matter; but the law may be dispensed with, because that is twisted with matter, which is not eternal. But then, because the several matters of law can be changed by several powers respectively, that power which alters the matter, and consequently dispenses with the law, must, by some evidence or other, make the change apparent. If God by his power alters the case, and dispenses in the law, he also is to declare it: because he must do more; for he must give expressly a leave to do proportionable actions: he having bound us to the law of nature, leaves us so till he tells us otherwise: and the same also is the case, if the matter be changed by man: for by the law of nature we being bound to obey laws and perform contracts, must remain so bound, till he that holds the other end of the string, lets it go or tells us it is untied: because he hath an interest in it, which must not depend upon the reason of another; but upon that which is common to both. For although we all agree, that every rule of nature is unalterable, and every law is to be observed, yet in every thing where a change can be pretended, every man's reason is

equal; and therefore is not to be made use of in relation to others. For we all agree that theft is evil; but whether this action or this detention be theft, men's reasons oftentimes cannot agree: and since every man's reason hath the same power and the same privilege, no man's single reason can determine, because there is no reason why yours more than mine. But therefore it is, that there must be some common reason to declare the case, and the man to be at liberty, and the law to be loose.

This hath no other variety in it, but this, that although the public voice must declare concerning those instances, that concern that matter of laws natural which is in her keeping, as God is to do in those, in which only he hath immediate power, yet every private man can declare the obligation of a natural law to be loose, when he holds one end of the string. If, by a natural law, Caius be tied to do me an act of kindness and justice, it is my right; and as long as I will demand it, I hold the band of the natural law in my hand: but if I let it go, and will quit my right, the obligation is off, because the matter is subtracted. The reason of all is the same. No man is a good judge in his own case, where there is the interest of another twisted with it: and it is unequal, that my reason should govern my neighbour's interest; or that his should govern mine: this would be an equal mischief, and therefore something indifferent to both must turn the balance, that there may be equal justice and equal provision. But if a man will quit his right, there is no wrong done. He can sufficiently declare his own will and the acts of kindness; and then the law that combines with the matter, takes the same lot.

RULE XII.

The Exactness of natural Laws is capable of Interpretation, and may be allayed by Equity, Piety, and Necessity.

Whatsoever can be dispensed withal, is either dispensed with by an absolute power of jurisdiction, or for some cause in the nature of the thing: and if the laws of nature can

cease to oblige without reason, but by the will and the command of the Supreme, of God himself, much more may the same will and power do it, when there is also a reason: and if there be a reason to take off the obligation wholly in some particulars, then much rather may there be a cause to take off some part of the exactness upon a proportionable cause; if it may be dispensed with, it may also be interpreted by equity; for this is less than that in the same kind. Every man is bound to restore his neighbour's goods, when they are demanded; but if he calls for his sword to kill a man withal,—there is equity in this case, and I am not guilty of the breach of the natural law, if I refuse to deliver him the sword, when he is so violent and passionate. To pay debts is a natural law; but if a rich man calls for a sum of money which is his due, and I by paying him to-day, shall be undone, and he, by staying till next week, shall not be undone,—I do not break the law of nature, if I detain the money a little longer, and offer him satisfaction for the wrong, if he have received any. I promised my brother to see him upon the ides of March; in my journey to him I broke my leg: now though I, by the natural law, am bound to perform promises, and it is possible, that for all my broken leg, I might get to him by the time, yet there is equity in it and piety that I forbear to go with so great an inconvenience. "Surgam ad sponsalia, quia promisi, quamvis non concoxerim: sed non, si febricitavero: subest enim tacita exceptio, si potero, si debebo:" said Seneca[a]. There is an equity and a reasonableness in all these things. "Effice, ut idem status sit, quum igitur, qui fuit, quum promitterem." If the case be, when I am to perform, as it was when I promised, then I am bound 'pro rata portione,' that is,

1. If it become impossible, I am wholly disobliged.

2. If it become accidentally unlawful, I am dispensed with.

3. If it become intolerably inconvenient, I am in equity to be relieved. For in these cases it is no breach of promise, but I am just if I desire to do it, and in the degree in which I am disabled, in the same I am to be pitied. "Destituere

[a] De Benef. iv. c. 39. § 2 & 3. Ruhkopf, vol. iv. pag. 197.

levitas non erit, si aliquid intervenit novi. Eadem mihi omnia præsta; et idem sum." "It is not levity when I am the same; but my powers and possibilities are changed or lessened."—

But this is to be understood and practised with these limitations:

1. Not every change of case can excuse or lessen, or alter the obligation, but such a change as makes the person pitiable, or the thing more vexatious to the doer, than it could be of advantage to the other.

2. If the cause does not continue, the first equity does not disannul the obligation, but defers it only, and it returns when the cause ceases.

3. The obliged person as he is not wholly disobliged for the time, so neither for the thing itself; for if it be matter of interest, though without violation of nature's law it may be deferred, and does not bind the man to a guilt, yet it does to a new duty, the duty of giving satisfaction to him who suffered injury: for since, in the law of nature, all men's rights are equal, it is unnatural and unjust that to one there should be remission and ease, and to the other a burden. For no man is to be better by the hurt and injury of another.

4. If the cause be less, or if it be more, it ought not to be done, unless an interpretative leave be justly or reasonably presumed. In a great matter every man is presumed so charitable as to be willing to comply with his brother's need or sad accident. But if it be less, then the interpretative leave must be presumed upon the stock of friendship or experience, or something upon which wise men usually rely. Only in this case, the presumption ought to be less confident, and more wary.

This rule is to be understood principally in matters of justice, and relative intercourses: for in matters of religion and sobriety the case is different: because, in natural religion and natural measures of sobriety, which are founded 'in prima natura,' in the very constitution of man's soul and body, in the first laws of God, and the original economy of the body;—the matter is almost as unalterable as the rule.

CHAPTER II.

OF THE LAW OF NATURE, OR OF ALL MANKIND, AS IT IS COMMANDED, DIGESTED, AND PERFECTED, BY OUR SUPREME LAWGIVER, JESUS CHRIST, VIZ. OF THE CHRISTIAN LAW, THE GREAT RULE OF CONSCIENCE.

RULE I.

When the Law of Jesus Christ was established, the Old Testament, or the Law of Moses, did not longer oblige the Conscience.

THE doctors[a] of the Jews say, that, at the command of a prophet, that is, of one that works miracles, it is lawful to break any commandment, that only excepted, which is concerning the worship of one God. Thus at the command of Joshua[b] the children of Israel brake the precept of the sabbath at Jericho, and Samuel[c] and Elijah[d] offered sacrifice in places otherwise than the law appointed, and the priests in the temple did kill beasts and laboured upon the sabbath, and yet were blameless: and 'circumcisio pellit sabbatum,' was their own proverb; on the sabbath they circumcised their infants, and the prophet Jeremy was author to the Jews 'in secunda domo,' that is, after they were taken captive, that they should change their computation by months, and not begin with Nisan.

For God, being the supreme lawgiver, hath power over his own laws,—as, being a creator, he hath over his own creation; he that gave being, can take it away: and the law may be changed, though God cannot. For God is immutable in his attributes, but his works have variety, and can change every day; as light and darkness succeed each other, and summer and winter, and health and sickness, and life and death, and perfect, and imperfect; and he that commanded all men not to kill, might give a commandment to

[a] Talmud. tit. de Synedrio.
[b] Josh. vi. 15.
[c] 1 Sam. vii. 10. & xiii. 8.
[d] 1 Kings, xviii. 38.

Abraham that he should kill his son; and when he had established the law of Moses, it was in his power, without any imputation or shadow of change, to give the world a new law, and a better.

To this purpose our blessed Lord was endued with power from on high to give a new law; for he was a great prophet, and did many and mighty miracles, and advanced the spiritual worship of the only true God; and brought men from childish and imperfect usages, to the natural, spiritual, manly, and perfective manner of worshipping God; and therefore it was necessary that a change should be made: for in Moses' law the rites were troublesome and imperfect, chargeable and useless, not able to wash away sins, nor to perfect the spirits of the saints; it exhibited nothing substantial, but by shadows pointed at the substance to be revealed afterwards: it was fitted to the weakness of imperfect people, and in some very great instances was exceeded by the lives and piety of some excellent persons, as Moses and David, who by humility, meekness, forgiveness, and charity, did acts of piety beyond the precepts of the law, and many did not divorce their wives, and yet by their law, all were permitted to do it: for it might be said of Moses as by the lawgiver of whom Origen[e] speaks, who, being asked if he had given to his citizens the best laws, answered, ὅτι οὐ τοὺς καθάπαξ καλλίστους, ἀλλ' ὧν ἐδύνατο τοὺς καλλίστους· "not absolutely the best, but the best he could, considering the incapacity and averseness of his citizens:" so did Moses; he gave a better law than ever was before, and the best which that people and the state of things could then bear: but it was but for a time, and the very nature of the law required a better to succeed it, and therefore he that came and gave a better, was not to be rejected, because he disannulled the worse: εἰ δὲ οὗτοι πρὸς τὸν κατὰ φύσιν λεγόμενον μέσον βίον ἀφορῶντες, καὶ ἃ προσίοιντ' ἂν καὶ οἱ πολλοὶ. οἷς τὰ ἐκτὸς ὡς τὰ ἀγαθὰ ἢ κακὰ, καὶ τὰ τοῦ σώματος ὡσαύτως ὑπείληπται, νομοθετοῦσιν, τί τις τὸν τούτων παραφέρων νόμον ἀναπρέπει βίον; "if other lawgivers (saith Porphry[f]) regarding that middle kind of life, which is said to be according to nature, and to those things of which men are capable, who esteem things good or evil by proportions of the body, have

[e] Adv. Cels. 3.

[f] Lib. i. de non esu anim.

given laws symbolical, yet what hurt does he, that brings in better ?"

1. For first it is certain, God himself did permit some things in Moses' law, which himself had no pleasure in: I instance in the matter of divorces, of which God, by the prophet, said, " I hate putting away."

2. The promises of Moses' law, in which the whole obedience was established, and for which it was exacted, were wholly temporal and related to this life; and when the prophets and holy men of the nation began to speak openly of resurrection from the dead, and a life to come, it was an open proclamation of the imperfection and change of that law, by which nothing of that was promised and nothing at all spoken of, by which mankind should, by obeying God, arrive to that felicity, which all wise men did suppose God did design to him.

3. Although good things for this life were promised by the law of Moses, yet toward the end and expiration of it, the nation suffered a new dispensation of things; and the godly men were often persecuted, and the whole nation continually baffled, and subdued by him that would; by the Assyrians and Chaldeans, by the Persians and by Antiochus, by the Syrians and the Romans, and therefore it was necessary they should expect some better covenant, which should be verified in the letter, and make recompense for the calamities which their best men here did suffer.

4. The laws of Moses were such, which were not of things naturally and originally good, but which did relate to time, and place, and person; but it was a law, without which many ages of the world did live, and after it was established, it did only bind that people; for neither did Moses persuade his father-in-law Jethro to receive that law,—neither did the prophet Jonas persuade it to the Ninevites,—nor the prophets ever reprove the not observing it, in the Assyrians, or Egyptians, the Idumeans and Moabites, the Tyrians and Sidonians, or any of their neighbours, whose vices they oftentimes reproved severely: and the best men of the first and second world, Abel and Enoch, Noah and Melchisedec, Shem and Job, Abraham and Isaac, Jacob and Joseph, knew nothing of it, and yet were dear to God: but if the law had consisted of essential, prime, and natural

rectitudes, it had been always and every where; and if it consist not of such, it is not fit to be lasting, but itself calls for a change when all the body and digest of laws, excepting some few that were before that law and shall be for ever, either were experiments of their obedience, or significations of some moral duty implied in the external ritual, or compliances with a present necessity, and to draw them far from imitation of the vile customs of the nations, or were types and shadows of something to come thereafter.

5. The law of Moses was a covenant of works, and stipulated for exact obedience; which because no man could perform, and yet for great crimes committed under Moses' law there was there no promise of pardon, no solemnity or perfect means of expiation,—by the nature of things and the necessity of the world, and the goodness of God, a change was to be expected.

6. That their law and covenant should be changed was foretold by the prophets; particularly by the prophet Jeremiah[g], "I will make a new covenant with you in those days, and in your minds will I write it:" and when God had often expressed[h] his dislike of sacrifices, in which yet the greatest part of the legal service was established, God does also declare what that is which he desires instead of it; even no other than the Christian law[i], "That we should give to every one their due, and walk humbly with God;" that they should obey him, and "give him the sacrifice of a contrite and a broken heart:" and if this be not a sufficient indication of the will of God for the abolition of the Mosaic law, then let this be added which was prophesied by Daniel, "The Messias shall cause the sacrifice and the oblation to cease."

7. It was prophesied[k] that, in the days of the Messias, the Gentiles also should be the people of God; but, therefore, they were to be governed by a new law; for Moses' law was given to one people, had in it rites of difference and separation of themselves from all the world, and related to solemnities which could not be performed but in a certain place, and a definite succession and family; which things

[g] Jer. xxxi. 31, &c.
[h] Psal. l. and li. and xl.
[i] Isaiah, i. Jer. vii. Micah, vi.
[k] Jer. xxiii. Isaiah, xliii. Malach. i.

being the wall of partition and separation, because Christ hath taken away or confounded in an inseparable mixture and confusion, God hath proclaimed to the Jews, that Moses' law is not that instance of obedience, in which he will be any longer glorified.

From these premises the pretence of the Jews for the eternity of Moses' law will be easily answered. For whereas they say that God called it, an 'everlasting covenant:' it is certain that even amongst the Jews, the word 'everlasting' did not always signify 'infinitely,' but to a 'certain definite period.' For the law relating to the land of their possession, in which God promised to them an everlasting inheritance; as their possession of the land is everlasting, so is the covenant, and they expired together: for all the demonstrations of the Spirit of God, all the miracles of Christ and his apostles, all the sermons of the Gospel, all the arguments which were taken from their own books, could not persuade them to relinquish Moses' law and adhere to Christ: and, therefore, when all things else did fail, God was pleased to give them a demonstration which should not fail; he made it impossible for them to keep Moses' law; for he broke their law and their nation in pieces. But as to the word 'everlasting' and 'eternal' it was usual with them to signify but to the end of a life, or of a family, and therefore much rather of a nation. The band of marriage is eternal, but it dies with either of the relatives: and the oath of allegiance is for ever, but that 'for ever' is as mortal as the prince. Thus also in Moses'[l] law, "The servant whose ear was bored, should serve for ever," that was but till the year of jubilee: and Hannah[m] carried up her son to the temple when he was weaned, "that he might abide there for ever:" thus the priesthood of Phinehas was said to be for ever; but God who said that he "and his posterity should walk before the Lord for ever," did put a period unto it in Eli[n]. But besides this, it is observable that the law and covenant of Moses, according to the manner of speaking of that and other nations, is used to distinguish it from the more temporary commands which God gave to persons and to families, and to the nation itself in the wilderness, which were to expire,

[l] Exod. xxi. 6. [m] 1 Sam. i. 22. [n] 1 Sam. ii. 30.

as it were, with the business of the day, but this was to be for ever, even as long as they enjoyed a being in the land of their covenant: for thus we distinguish the laws of peace from the orders of war: those are perpetual, to distinguish from the temporality of these.

These arguments are relative to the Jews, and are intended to prove the abrogation of Moses' law against them. But to Christians, I shall allege the words and reasons of the New Testament, so far as the thing itself relates to conscience. For not only the Jews of old, but divers Christian bishops[o] of Jerusalem, fifteen in immediate succession, did plough with an ox and an ass, and were circumcised; the converted Pharisees, the Ebionites, the Cerinthians, and the Nazaræi still did believe that Moses' law did oblige the conscience: and amongst us there are or have been a great many Old-Testament divines, whose doctrine and manner of talk, and arguments, and practices have too much squinted toward Moses.

But against all such practices or pretences I produce the decree of the apostles at Jerusalem in the question of circumcision: the abrogation of which disannuls the whole law: "For I Paul say unto you, if ye be circumcised, ye are debtors to keep the whole law:" therefore, by a parity of reason, we are not debtors to keep the law, when that great sacrament and sanction of the law is annulled. To this purpose are those frequent discourses of the holy Scriptures of the New Testament: "The law and the prophets were until John; since that time the kingdom of God is preached[p]:" where the two terms of the law and the Gospel are expressly described; John the Baptist being the common term between them both, so that 'now we are not under the law, but under grace[q];' 'we are dead to the law,' and, that band being separate, 'we are married to a new husband, even to Christ:' 'who is also our High Priest, after the order of Melchisedec, not after the order of Aaron[r];' but then, 'the priesthood being changed, there is made, of necessity, a change also of the law[s];' for this was not to last but till

[o] Iren. lib. 1. c. 26. Epiphan. hær. 18, 28, 30, 66. Hieron. ep. 89. ad Augustin. Damasc. verb. Nazaræi. Euseb. lib. iii. c. 21. August. hæres. 8, and 9.

[p] Luke, xvi. 16. [q] Rom. vi. 14. [r] Rom. vii. 4. [s] Heb. vii. 12.

Christ's coming, 'for the law was given but till the seed should come:' till then, 'we were under the law as under a schoolmaster, but when faith came, we are no longer under this pædagogy[t];' it was but 'until the time appointed of the Father:' and to this purpose St. Paul spends a great part of the epistles to the Romans and Galatians. For one of the great benefits which we receive by the coming of Christ, is, that we are now treated with by a covenant of faith, that is, of grace and pardon, of repentance and sincere endeavours; the covenant of Moses being a prosecution of the covenant of works, can no longer oblige, and therefore neither can the law; for the law and the covenant were the constitutive parts of that whole intercourse, they were the whole relation, and this is that which St. John said, "The law came by Moses, but grace and truth came by Jesus Christ:" and ever since he was made our Lord and our King, he is our lawgiver, and we are his subjects, till the day of judgment in which he shall give up the kingdom to his Father.

But the greatest difficulty is behind: for not all Moses' law is disannulled, for some is enjoined by Christ; and some is of eternal obligation; and such the decalogue seems to be: the next inquiry therefore is, what part of Moses' law is annulled by Christ. To this I answer by parts.

RULE II.

The Ceremonial Law of Moses is wholly void.

For this is that handwriting of ordinances, which Christ nailed to his cross: and concerning this we have an express command recorded by the apostle[a], "Let no man judge you in meat or in drink, or in respect of a holiday, or of the new moon, or of the Sabbath days:" and, concerning the difference of meats, not only their own doctors say, 'the precept of Moses is not obligatory any where but in Palestine,' but they have forgot the meaning of the names of some of them, or at least dispute it, which is not likely they

[t] Gal. iii. [a] Coloss. ii. 16.

would so strangely have lost, if the obligation also had not been removed. But as to us the case is confessed: for all the arguments, before alleged, proceed of this part of the Mosaic law, if of any, this being chiefly made up of umbrages, figures, and imperfect services, relative to place and time, to families and separate persons, such which every change of government could hinder, and which, in the conflict and concussion with other laws, did ever give place, even in that time when they were otherwise obligatory, which "could not cleanse the conscience, nor take away sins;" but were a burden made to teach something else, like letters written upon little cubes, or given as appellatives to slaves, that the children who were waited on by them, might learn the alphabet; but else they were a trouble, to no real perfective purpose of our spirits.

Quest. I know but of one difficulty which this thing can meet with, and that is made by the scrupulous inquiries of some tender or curious persons, who suppose the difference of meats not to be so wholly taken away, but that still, under the laws of the Gospel, we are bound to abstain from blood and from things strangled; pretending for this scruple, the canon of the apostles[b] at Jerusalem: which enjoins this abstinence, and reckons it amongst the τὰ ἀναγκαῖα, "things necessary:" and this was, for a long time, used and observed strictly by the Christians: of which we have testimony from the law[c] of Leo the emperor, where, having forbidden the use of blood stuffed in the entrails of beasts, he affirms, that, in the old law, and in the Gospel, it was always esteemed impious to eat it. And this was not only for the present, and for compliance with the Jews, that, by the observance of some common rites, the Gentile converts might unite with the believing Jews into one common church, but they supposed something of natural reason and decency to be in it; and the obligation to be eternal, as being a part of that law, which God gave to Adam, or at least to Noah after the flood; for they who use to eat or drink blood, are apt to degenerate into ferity and cruelty, and easiness of revenge; and if Origen's fancy had been true, it had been very material; for he supposed that the devils were fed with

[b] Acts, xv. [c] Novel. 58.

blood: but, however, certain it is that the church did, for divers ages, most religiously abstain from blood; and it was the great argument, by which the primitive Christians did confute the calumnies of the heathens imputing to them the drinking of human blood: they could not be supposed to do that, who so religiously abstained from the blood of beasts, as we find it argued in Tertullian[d], Minutius[e], and Eusebius[f], who also tells of Biblis, that she rather would die than eat blood in a pudding: and in the canons commonly called Apostolical[g], it is forbidden to a clergyman to eat blood, under pain of deposition, to lay a man under excommunication: which law was mentioned and supposed obligatory in the second canon of the council of Gangra; and long after by the canon of the council in Trullo; by the council of Worms under Ludovicus Pius[h]; by Pope Zechary, in his epistle to Boniface; and from hence the penitential books had warrant enough to impose canonical penances upon them that did taste this forbidden dish: and that they did so, is known and confessed.

But to the question and inquiry, I answer, 1. That the abstinence from blood is not a law of nature, or of eternal rectitude, as appears, first, in that it was not at all imposed upon the old world: but for a special reason given to the posterity of Noah to be as a bar to the ferity and inhuman blood-thirstiness, of which the old giants were guilty, and possibly others might afterwards. For the Jews reckon but six precepts given to Adam and his posterity after the fall. The first against strange worship: the second, of the worshipping the true God: the third, of the administration of justice: the fourth, of disclosing nakedness, or a prohibition of uncleanness: the fifth, against shedding blood: the sixth, against theft:—and indeed here are the heads of all natural laws; but because the old world grew cruel to beasts, and the giants were degenerated into a perfect ferity, and lived on blood; therefore it pleased God to superadd this to Noah, that they should not eat blood; that is, that they should not eat the flesh of beasts that were alive; that is, "flesh with

[d] In Ap. c. 9. [e] In Octav. [f] Eccles. Hist. lib. v. c. 1.
[g] Cap. 62. Vide etiam Clemen. Alex. Pædag. lib. iii. c. 3. Niceph. lib. iv. c. 17. et idem videre est apud Lucianum in Pereg.
[h] Cap. 65.

the blood:" and it is not to be despised that the drinking of blood is not forbidden; but the eating only: meaning, that the blood was not the main intention of the prohibition; but living flesh, that is, flesh so long as the blood runs from it: "flesh with the life thereof," that is, "with the blood[i]:" so run the words of the commandment; and therefore the doctors of the Jews expressed it by the not tearing a member of any live creature: which precept was the mounds of cruelty, God so restraining them from cruelty even to beasts, lest they might learn to practise it upon men. For God sometimes places some laws for defensatives to others; and, by removing men afar off from impiety, he secures their more essential duty. 2. But even this very precept is, by all the world, taught to yield to necessity and to charity, and cruelty to beasts is innocent when it is charity to men: and, therefore, though we do not eat them, yet we cut living pigeons in halves and apply them to the feet of men in fevers, and we rip the bellies of sheep, of horses, of oxen, to put into them the side of a paralytic; and although, to rude people and ignorant, such acts of security were useful, yet, to Christians, it is a disparagement to their most excellent institution, and the powers and prevalencies of God's Spirit, to think they are not upon better accounts secured in their essential duty. The Jews were defended from idolatry by a prohibition even of making and having images: but he is but a weak Christian, who cannot see pictures without danger of giving them worship. 3. The secret is explicated by God in the place, where he made the law: it was first a direct design to introduce mercy into the world, by taking care even of beasts: and, secondly, it was an outer guard against the crime of homicide: and Irenæus, Tertullian, St. Cyprian, and St. Ambrose, expound the meaning of the whole affair to be nothing else but a prohibition of homicide: for as God would have men be gentle to beasts[k], so if beasts did kill a man, it should be exacted of them[l]: neither the man's dominion over the beast could warrant his cruelty over them, nor the want of reason in beasts bring immunity, if they killed a man, and the consequent and purpose of both these is expressed, ver. 6. "Whoso sheddeth man's blood,

[i] Gen. ix. 4. [k] Verse 4. [l] Verse 5.

by man shall his blood be shed:"—and all this put together is a demonstration how dear lives are to God; even the life of beasts is, in one sense, sacred: for even then when they were given to man for food, yet the life was not; they must first be dead, before they might be eaten: but, therefore, the life of man was sacred in all senses, and should be required of man and beast. But that God doth even take care for oxen, in the matter of life, appears in this prohibition, " flesh with the life thereof ye shall not eat;" that is, you shall not devour the flesh even while it is alive; for the blood is the life thereof; that is, when the blood is gone, you may eat, till then it is presumed to be alive. Now there can be no other meaning of the reason: for if blood were here directly prohibited to be taken and drunk or eaten, this reason could not have concluded it, " because it is the life, therefore you may not eat it,"—being no better an argument than this,—' you may not eat the heart of a beast for it is the life thereof;' but the other meaning is proper, " ye shall not eat flesh with the blood, which is the life thereof,"—that is, so long as the blood runs, so long ye must not eat; for so long it is alive: and a beast may be killed, but not devoured alive. So that the prohibition of blood is not direct in the precept, but accidental; blood is forbidden, as it is the sign of life and the ' vehiculum' of the spirits, the instruments of life; and so long as it runs, so long the life abides ordinarily; and therefore Zonaras[m], in his notes upon the council of Gangra, expounds the word αἷμα, or ' blood,' supposed in that canon as unlawful to be eaten or drunken, by ἐξεπίτηδες ἐψόμενον, καὶ πηγνύμενον, " blood diligently or fast running or following the wound, and thick;" that is, as I suppose, ' blood digested,' to distinguish it from ' serum sanguinis,' or the watery blood, that is seen in beasts after they have bled, that they might not have scruple in minutes and little superstitions: χωρὶς ἐπιτηδευτοῦ αἵματος, " without active blood,"—so Balsamo: and it is not impertinent to the main inquiry, that it be observed that the Jews use ' life' instead of ' blood;' and so does the vulgar Latin; that we might the easier understand the meaning to be of ' life,' or ' living blood.'—But then this is nothing to eating the blood, when

[m] Vide S. Aug. lib. ii. c. vi. contra adversarium legis et prophetarum.

the beast is certainly dead: and, therefore, it is observable, that they who did make a scruple of eating blood, did not, all of them, make a scruple of eating things strangled in which the blood remained: and, therefore, in some copies of the apostolical decree[n], the word πνικτοῦ, or 'strangled,' is left out; and St. Austin observes, that, in his time, in Africa, the Christians did not severely abstain from things strangled. For if the case were the same between blood running and blood settled and dead, then the reason of the commandment were nothing or not intelligible; and, besides, it would breed eternal scruples: since, in the very killing of beasts, there will some blood remain, and in the neck pieces and some veins every body hath observed some blood remaining even after the effusion by the knife. 4. This could not be a law of nature, because not mentioned by Christ in all his law, which I have already proved to be a perfect digest of the natural law: only that sense of it which I have now given, is involved in a law of nature, and consequently enjoined by Christ, viz. under the precepts of mercy, according to that saying of the wise man, "a good man will be merciful to his beast:" and the Athenians put a boy to death, because he took delight to prick out the eyes of birds, and so let them fly for his pastime; as supposing that he who exercised his cruelty upon birds, being a boy,—would, in time, destroy men too. 5. Upon the account of this interpretation, we are to distinguish the material part from the formal; the blood, as it is such a substance, from the blood, as it is alive; just as the εἰδωλόθυτα are to be differenced: for to eat the meat when it is sold in the shambles, is a thing indifferent, said St. Paul[o], though it was offered to idols; but this very meat might not be eaten in the temples, nor any where under that formality, as St. Paul there discourses: and, therefore, what the apostles, in their letter to the churches, call εἰδωλόθυτα, St. James, in the decision of the question, calls ἀλισγήματα τῶν εἰδώλων, "pollutions of idols,"—that is, all communications in their idolatrous portions and services: and so it is for blood; 'abstain from life blood, or blood that runs while the beast is dying;' that is, devour not the flesh while the beast is alive, be not cruel and unmerciful to your beast: but

[n] Acts, xv. 20.

[o] 1 Cor. x. 25.

if blood be taken in its own materiality when the beast is dead, it may be eaten as other things, without scruple; they being both in the same sense as in the same obligation,

Αἷμα δὲ μὴ φαγέειν, εἰδωλοθύτων δ' ἀπέχεσθαι.

There is a letter and a spirit in both of them. 6. One thing only I shall add to make this appear to have been relative, temporal, and ceremonial; and that is, that when God was pleased to continue the command to the sons of Israel in Moses's law, he changed the reason, only reciting the old reason for which it was imposed to the posterity of Noah, and superadding a new one as relating to themselves: "For the life of the flesh is in the blood, and I have given it to you upon the altar to make an atonement for your souls; for it is the blood that maketh an atonement for the soul P." So that to the blood there was superadded a new sacredness and religion; it was typical of the great sacrifice upon the cross, the blood of which was a holy thing, and it was also instrumental to their sacrifices and solemnities of their present religion: and, therefore, this ritual is to cease after that the great sacrifice is offered, and the great effusion of blood is past. But as they had a new reason, so also had they a new injunction, and they were interdicted the eating of any thing strangled; which they taking to be a pursuance of the precept given to Noah, were the more zealous of it; and lest their zeal might be offended, the first Christians, in their societies, thought fit to abstain from it. But this ever had a less obligation than the former, and neither of them had, in their letter, any natural obligation: but the latter was introduced wholly upon the Levitical account, and, therefore, did cease with it. 7. After this so plain and certain commentary upon this precept, I shall the less need to make use of those other true observations made by other learned persons: as that this canon was made for a temporary compliance of the Gentile proselytes with the Jewish converts,—that this was not a command to abstain from blood, or strangled, but a declaration only that they were not obliged to circumcision; but they already having observed the other things, it was declared they need go no

P Levit. xvii. 11.

further: that whereas these things were said to be necessary ἐπάναγκες, the meaning of the word is not absolute but relative; for it is ἐπ' ἀνάγκης ἔχειν, 'to have a thing under some necessary condition,' and so it happened to them to whom the apostles wrote; for they were Gentile proselytes before they were Christian, and so were tied to observe the seven precepts of Noah, before the Jews would converse with them; and, therefore, that this did not concern the Gentiles, after they were an entire church: for although it did, while the separation lasted, and that there were two bishops in some great churches, as in Rome and Ephesus: yet when the church was of Gentiles only, or conversed not with Jews, this could not relate to them. That blood should be forbidden in the formality of meat is infinitely against the analogy of the Gospel: the decretory and dogmatical words of Christ[q] being, "that nothing which enters into the mouth, defiles a man:" and the words of St. Paul[r] are permissive and preceptive, "Whatsoever is sold in the shambles, eat, asking no question for conscience-sake. For meat commendeth us not to God; for neither if we eat, are we the better, neither if we eat not, are we the worse:" and "the kingdom of God consisteth not in meat and drink, but in righteousness, and peace, and joy in the Holy Ghost[s]." The result is this, that blood, as it is a meat, cannot be supposed here to be directly forbidden as naturally unlawful, or essentially evil, or of a proper turpitude: but if the apostles had forbidden the very eating of blood as meat, it must be supposed to be a temporary and relative command which might expire by the ceasing of the reason, and did expire by desuetude; but since it was not so, but a permitting the Gentile proselytes and encouraging them, for present reasons, to abstain from running or life blood in the sense above explicated, according to the sense of the Jewish doctors and their disciples, it no way can oblige Christians to abstain from blood when it is dead, and altered, and not relative to that evil which was intended to be forbidden by God to Noah, and was afterwards continued to the Jews. I end this with the words of Tertullian[t], "Claves macelli tibi tradidit,

[q] Matt. xv. 11.
[r] 1 Cor. x. 25.
[s] Rom. xiv. 17.
[t] De Jejuniis.

permittens esui omnia ad constituendam idolothytorum exceptionem;" "God hath given to us the keys of the shambles, only he hath forbidden the pollution of idols:"—in all other things you have your liberty of eating.

I am only now to give an account of the reasons of the ancient churches, why so pertinaciously and so long they refused to eat boiled blood, or any thing of that nature. But for that it is the less wonder, when we consider, that they found it enjoined by all the churches where the Jews were mingled; and the necessity lasted in some places till the apostles were dead, and the churches were persecuted: and then men use to be zealous in little things, and curious observers of letters; and when the succeeding ages had found the precedents of martyrs zealous in that instance, it is no wonder if they thought the article sufficiently recommended to them. 2. But if we list to observe that the Pythagorean philosophers were then very busy and interested in the persuasions of men and sects, and Pythagoras, and Plato, and Socrates, had great names amongst the leading Christians, it is no wonder if, in the percolation, something of the relish should remain, especially having a warrant so plausible to persuade, and so easy to mistake as this decretal of the apostles, and the example of the ancients living in that time, which the heathens call the golden age.

> At vetus illa ætas, cui fecimus Aurea nomen,
> Fœtibus arboreis, et, quas humus educat, herbis
> Fortunata fuit, nec polluit ora cruore[u].

Single life, and abstinence from certain meats, and refusing of blood, and severity of discipline, and days of abstinence, were sometimes persuaded, sometimes promoted, sometimes urged, sometimes made more necessary, by the Montanists, the Essenes, the Manichees, the Novatians, the Encratites, the Pythagoreans, and the very heathen themselves,—when, because they would pretend severity, it became fit that the Christians should not be or seem inferior to them in self-denial, discipline, and austerities. But I shall make no more conjectures in this matter; since if the church at that time did enjoin it, the canon was to be obeyed, and, it may be, in some places it was practised upon that stock; upon

[u] Ov. M. xv. 96, Mitscherl. vol. ii. pag. 125.

any other just ground, it could not, as I have already proved. Only this; it cannot be denied but in the western church, where this decree and the consequent custom was quickly worn out, though it lasted longer even to this day in the Greek church, and Balsamo inveighs against the Latins for their carelessness in this article: yet there were some intervals, in which, by chance, this decree did prevail; but it was when the bishops of Rome were so ignorant, that they could not distinguish the Old Testament from the New, but in some particulars did judaize. I instance in pope Zechary, before mentioned; who, in his decretal to Boniface, the archbishop of Mentz, is very curious to warn him to forbid all Christians with whom he had to do, they should abstain from some certain sorts of birds, as jackdaws, crows, and storks; but especially that Christians should eat no hares, nor beavers, nor wild horses: and the council of Worms determined something to the like purpose, not much wiser; but what was decreed then, was long before reproved by St. Austin[x], affirming, that if any Christian made a scruple of eating strangled birds, in whom the blood remained, he was derided by the rest: and that this thing, which was useful in the infancy of the church, should be obtruded upon her in her strength, is as if we should persuade strong men to live upon milk, because their tender mothers gave it them as the best nourishment of their infancy.

This thing being cleared, I know no other difficulty concerning the choice of meats in particular, or the retention of the ceremonial law in general, or in any of its instances, but what will more properly be handled under other titles.

RULE III.

The Judicial Law of Moses is annulled, or abrogated, and retains no obliging Power, either in whole or in part, over any Christian Prince, Commonwealth, or Person.

Either the judicial was wholly civil, or it was part of the religion. If it was wholly secular and civil, it goes away,

[x] Cont. Faustum Manich. lib. xxxii. c. 13.

with that commonwealth, to whom it was given; if it was part of the religion, it goes away with the temple, with the lawgiver's authority by cession to the greater, with the priesthood, with the covenant of works, with the revelation and reign of the Messias: and though the instances of this law, proceeding from the wisest lawgiver, are good guides to princes and commonwealths, where the same reasons are applicable in like circumstances of things, and in equal capacities of the subjects, yet it is wholly without obligation. In the judicial law, theft was not punished with death, but with the restitution of fourfold; and unless the necessities of a republic shall enforce it, it were consonant to the design of Christian religion, the interest of souls, their value, and pity, that a life should not be set in balance over against a sheep or a cup. In the judicial law of Moses, adultery was punished with death; but it will not be prudent for a commonwealth to write after this copy, unless they have as great reason and the same necessity, and the same effect be likely to be consequent; it was highly fitting there, where it was so necessary to preserve the genealogies, and where every family had honours, and inheritances, and expectations of its own, and one whole tribe expected in each house the revelation of the Messias, and where the crime of adultery was infinitely more inexcusable by the permission of divorces and polygamy than it can with us. But with us, and so in every nation, many considerations ought to be ingredient into the constitution of a capital law: but they have their liberty, and are only tied up with the rules and analogies of the Christian law: only the judicial law of Moses is not to be pretended as an example and rule to us, because it came from a divine principle; unless every thing else fit it by which the proportions were made in that commonwealth; for although God made aprons for Adam and Eve, it would not be a comely fashion for the gallants of our age and countries. But concerning this who desires to see long and full discourses, I refer him to Gulielmus Zepperus 'de legibus Mosaicis,' and the preface of Calvin, the lawyer, to his 'Themis Hebræo-Romana.'

But the thing in general is confessed, and the arguments now alleged make it certain: but then why it should not be so in every particular, when it is confessed to be so in the

general, I do not understand; since there are no exceptions or reservations of any particular in the new law, the law of Christianity. But in two great instances this article hath difficulty; the one is, 1. The approach of a man to his wife during her usual term of separation. 2. The other is concerning the degrees of kindred hindering marriage; both which being taken express care of in the judicial law, and yet nothing at all said of them in the laws of Christ, are yet supposed to be as obligatory to Christians now, as to the Jews of old. Of these I shall now give account, because they are of great use in the rule of conscience, and with much unquietness and noise talked of, and consciences afflicted with prejudices and authority, with great names and little reasons.

Quest. Whether the judicial law of mutual abstinence in the days of women's separation, obliges Christian pairs?

The judicial law declared it to be twice penal. Once it only inferred a legal uncleanness for seven days. Levit. xv. 24. But in the Levit. xx. 18, it is made capital to them both: "they shall be both cut off from the people."

From hence, Aquinas, Alexander of Ales, Bonaventure, and Scotus, affirm it to be a mortal sin for a husband then to approach to her: Peludanus and Cajetan deny it; and amongst the casuists, it is with great difference affirmed or denied but with very trifling pretences, as if they were to give laws, and not to inform consciences upon just grounds of reason or religion.

They who suppose it to be unlawful, affirm this law to be ceremonial, judicial, and moral. It is ceremonial, because it inferred a legal impurity; or separation for seven days. It is judicial, by its appendant sentence of death, and a capital infliction. It is moral, because it is against charity, as being hurtful to the child in case any be begotten by such approaches. The whole ceremoniality of it is confessedly gone; but the punishment of it in the judicial law being capital, they urge it as an argument that it is moral. So that the whole weight lies upon this. That which was by the law of God punished with death, was more than a mere ceremony, and must contain in it some natural obliquity and turpitude. And in this case we need not to go far in our inquiry after it; for it is because of the great un-

charitableness, as being a cause of monstrous productions, or leprosies and filthy diseases in the children: and as the former of these two signifies its morality, so this does formally constitute it; and this is confirmed by the words annexed to the prohibition: "For the nations committed all these things, therefore I abhorred them[a]:" amongst which this in the question being enumerated, it will follow more than probably, that since this thing was imputed to the heathens, who were not under Moses' law,—it must be imputed, because it was a violation of the law of nature.

To these things I answer; 1. That the punishment of all such approaches under Moses's law with death, was no argument of any natural turpitude and obliquity in the approach. For then circumcision would be necessary by a natural law, because every soul that was not circumcised, was also to be cut off from his people. But if for this reason it were only to be concluded unlawful, then since this reason is taken away, and it is by no law of God punishable, nor yet by any law of man, it follows that now it cannot be called a mortal or a great sin, to which no mortal punishment is annexed, nor indeed any at all.

2. But neither was it just thus in the law of Moses. For by the law of Moses it was nothing but a legal impurity, a separation from the temple, and public sacrifices, and some sorts of commerce for seven days; and thus much was also imposed upon the woman, though she was locked up and conversed with no man, even for her natural accident: and if, by the gravity or levity of a punishment, we may make conjectures of the greatness of a sin (of which I shall, in the third book, give accounts), then it would follow that every such approach was nothing but a breach of a legal rite or ceremony, since it was punished only with a legal separation, which also was equally upon every innocent woman in that period.—Yea, but besides this it was made capital.—I answer, that could not be, if the case were the same; for two punishments are not in laws inflicted upon the same offence, directly and primarily: and, therefore, Radulphus Flaviacensis[b] supposes here to be a direct contradiction in the letter of these two laws; and that they are to be reconciled

[a] Levit. xx. 23. [b] Explan. in Levit. c. 6.

by spiritual significations, in which only they are obligatory to us under the Gospel; but I do not very well understand what he would have, nor any ground of his conjecture; but am content it is not material, since he confesses that the very letter obliged the Israelites, which how it is possible, and yet be contradictory, I shall never understand. Hugo Cardinalis says, that the first of these punishments was on him, who did it ignorantly; but it was capital only to him, who did it knowingly and voluntarily. But this is not probable; for then it would be in effect so that the man might only contract a legal impurity; and the woman be sure to die for it:

Enimvero dura lege hic agunt mulieres:

for although the man could often say truly, and might always pretend that he did it ignorantly, yet the woman could not: for it is not likely that she should, with much probability, at any time say she did it ignorantly; and since it cannot be but by a rare contingency, it is not likely to be the subject matter of a regular law, and provided for by a daily and perpetual provision; especially since that case is already provided for in other periods, as being sufficiently included under them that by chance touch a woman so polluted: and therefore this does not reconcile the difficulty: but since it must be confessed, that on the woman (at least ordinarily), both these laws must have effect, and yet the woman cannot easily and ordinarily be supposed to be ignorant in such a case so as to need a law (for laws use not to be made for rare contingencies), it follows that this distinction is not sufficient to reconcile the difficulty. But Lyra and Abulensis have a better, saying that the legal impurity was the punishment only, when the fact was private: but it was capital when it was brought before the judge: and truly for this there was great reason. For since the woman also was to die, it is not to be supposed that she would accuse her husband and condemn herself, and such things use not to be done publicly: it is therefore to be supposed, that whoever did do this so as to be delated for it and convicted, must do it ἐν χειρὶ ὑπερηφανίας, 'with the hand of pride,' in contempt and despite of Moses' law; for which, as St. Paul witnesses, "a man was to die without mercy." But now from hence I

infer, that since the contempt and open despite of the law only was capital, it was not any natural turpitude that deserved that calamity; it was nothing but a legal uncleanness, which every child had that did but touch her finger.

But then for the next argument, with which the greatest noise is made, and every little philosopher can, with the strength of it, put laws upon others, and restraints upon men's freed consciences; I answer, first, upon supposition that it were true and real, yet it does not prove the unlawfulness of such addresses. For if the man and woman have a right to each other respectively, there is no injury done by using their own right. "Nemo damnum facit, nisi qui id facit, quod facere jus non habet," saith the law[c]. But that is not the present case, for the married pair use but their own rights, which God hath indulged. And therefore Paulus[d] the lawyer, from the sentence of Labeo, hath defined, that no man can be hindered from diverting the water running through his own grounds, and spending it there, though it be apparent that his neighbour receives detriment, to whom that water would have descended. I know this may be altered by laws, customs, and covenants, but there is no essential injustice in it, if loss comes to another by my using my own right. To which I only add this one thing, because I am not determining a title of law in open court, but writing rules of conscience: that though every such interception of water, or other using of our right to our neighbour's wrong, be not properly injustice, yet unless he have just cause to use it, it is unlawful to do so, because it is uncharitable; because then he does it with a purpose to do his neighbour injury. And so it is in this; if any man or woman in such approaches intend hurt to the child, as hoping the child might not live, or if either of them designed that the child should by such means become hated, or neglected in provisions, and another preferred, then I doubt not but to pronounce all such mixtures impious and abominable: and to this sense those words of St. Austin[e] in this article are to be expounded: "Per talem legem in Levitico positam non

[c] Lib. Nemo. de regul. juris.
[d] Lib. ii. de aqua pluvia arcenda.
[e] Qu. 64. super Levit.

naturam damnari, sed concipiendæ prolis noxiam prohiberi." The thing itself is not naturally impure; but it is forbidden that hurt should be intended or procured to the child: for although, in the instance of Paulus above reckoned, the injury is certain, and the person definite and known to whom it is done, and in the present question both the event at the worst is but uncertain, and the person to be injured not yet in being, and therefore the case is much more favourable here than there, yet when this case does happen, there can be no excuse for it, because it is the act of an evil mind, and an uncharitable spirit.

2. Upon supposition that this allegation were true, yet it follows not that all such approaches were unlawful: as appears in the case of a leprous wife, with whom that it is lawful to have congress, is so certain that it is told as an heroic story of Dominicus Catalusius, a prince of Lesbos, that he did usually converse with his wife that was a leper, as still knowing it to be his own flesh, which no man hates: but if with a leper (whose issue is as certain to be leprous, as in the other case to be any way diseased) it be lawful, the effect notwithstanding,—then the argument ought not to infer a prohibition, or conclude it to be unlawful. The same also is the case of both men and women in all hereditary diseases, and in any diseases which are resident in any principal part, with any of which if either of them be infected, it is (if this reason be good) equally unlawful for them to beget children, or to use the remedy which God hath given them against uncleanness.

If it be answered that there is difference in the case, because the present question being of short, frequent, and periodical separations, the married person may expect nature's leisure, who will in a short time return them to their usual liberties: but if they have a leprosy, that goes not off, but abides: and therefore either a child must be begotten with that danger, or not at all; and since it is better for a child to be born a leper, or subject to leprosy, than not to be at all; in this case there is indeed charity in some sense, but no uncharitableness in any to the child; and there is a necessity also on the parents' part. The same also is the case of a consumption, or any hereditary disease: but in the

monthly separations there is no such need; because the abstinence is but short, and though a child be not then begotten, he loses not his being, as in the other cases.

To this I reply; that the difference of case pretended is not sufficient, 1. because a consumption or a leprosy are no such incurable diseases, but that, for the preventing of uncharitableness and sad effects upon the child, they may expect nature's time; and if it be said, that there is, or may be danger of fornication in so long abstinence; I answer, so there may be in the shorter, and is certainly to some persons; and if the danger be an excuse, and can legitimate the congression, even where there is hazard to have a diseased child begotten, in one case, then so it is in the other. For where there is the same cause in the same suscipient, there also will be the same effect: so that at least thus much will be gotten; that if there be a need, in the time of a short separation, then it is lawful; and if it can upon this account be innocent, it is certain that it is not naturally criminal. 2. Suppose even this affection or accident abides on the wife, as on the woman in the Gospel, who after twelve years' sufferance was cured by the touch of our Saviour's garment; then there is the same necessity as in an abiding leprosy, consumption, or hereditary disease, and yet in the Mosaic law those permanent emanations were to be observed by abstinence as much as the natural and transient; by which it is certainly proclaimed to be wholly a legal rite; because if this can abide, and during its abode an approach be not permitted, although the Jews were relieved by divorces and polygamy, and concubinate, and so might suffer the law; yet Christians, who are bound to an individual bed, will find a necessity, which if it were not provided for by a natural permission, the case of some men would be intolerable, and oftentimes sin be unavoidable, and that which by accident may be lawful and necessary, certainly is not essentially evil: for if it could, then he who is the author of such necessity, would also necessarily infer that evil, and so be author of that too, which is impossible to be true of God, the fountain of eternal goodness. But I add also this consideration; that, even in the Mosaic law, such congressions were permitted after child-birth. For the legal impurity lasted but seven days upon the birth of a man-child, "according to

the days of the separation for her infirmity shall she be unclean;" that is, for seven days she shall have the same law upon her as in her usual period, but no longer: for that which is added [f], "that she shall then continue in the blood of her purifying three and thirty days;" it is not for abstinence from her husband, but from entering into the tabernacle, and from touching holy things: so that the uncleanness being determined five weeks before her purification was complete, must be in order to contact or to nothing.

But although upon supposition the allegation were true, yet the reason of it concludes not; yet the argument is infinitely the worse, since the supposition is false, and the allegation is not true. For besides that the popular heresies of physic and philosophy are now rarely confuted and reproved by the wise physicians of these later ages who have improved their faculty as much as any of the schools of learning have done theirs, and the old sayings of philosophers in this matter are found to be weak, and at the best but uncertain; the great experience of the world is an infinite reproof to them who say, that by such congressions leprous or monstrous children are produced: for the world would have been long since very full of them, if such evil effects were naturally consequent to those meetings. St. Jerome [g] was the first who brought this pretension into the Christian schools (so far as I can learn): afterwards the schoolmen got it by the end, and the affirmative hath passed ever since almost without examination. But the schoolmen [h] generally affirm (being taught to speak so by Aquinas), that it is partly ceremonial, partly moral, and that in this only it is obligatory, "ex damno quod sequitur ex prole;" which, because it hath no ground to support it, must fall into the common lot of fancies and errors, when their weakness is discovered. For although those physicians, which say that this natural emanation is a κάθαρσις or 'cleansing,' do believe, that, with the principles of generation, there may in such times be something 'minus salubre' intermingled; yet besides that these are opposed by all them who say that it is nothing but a κένωσις or 'evacuation;' both the one and the other are

[f] Levit. xii. 4.
[g] In xliv. Isai.
[h] Frano. à Vic. de Sacramen. de redd. deb. con.

found to be imperfect, by the new observations and experiments made by a learned man who finds that neither one or other can be the material part of nature's secret fabric. But however, whether he says so or no, since things are so infinitely uncertain, and man is made secretly and fashioned 'in secreto terræ,' these uncertain disputes are a weak foundation of a pretext for a moral duty.

To the last objection: that—"God abhorred the nations for all these things:"—and amongst them this is reckoned; and, therefore, there was in this some natural impurity, for by no other law were they bound, and they could not be found to be transgressors against each other: I answer; that—"all these things"—are to be taken 'concrete et confuse,' all indiscriminately in a heap, not all by singular distribution; as appears (besides this in question) by the instance of marriage in certain degrees: which the servants of God did use, and yet God delighted in them; for Abraham married his father's daughter, and yet this was reckoned amongst their catalogue of crimes[i], and so also in the case of the brother's wife, which is there reckoned, yet we know it was permitted and enjoined in the case of heiresses being childless widows: but when the thing was by God inserted into the digest of their laws and made capital, it happened to be mingled with other prohibitions, which were of things against the laws of nature. But to this objection I shall speak again in the question of cousin-germans, num. 36 and 37 of this rule.

The arguments now appearing to be invalid, I answer to the question. 1. That this abstinence was a Mosaic law, partly ceremonial, partly judicial, but in no degree moral. 2. That the abrogation of Moses' law does infer the nullifying of this, and hath broken the band in pieces. 3. That the band which untied this law upon the Jews, was the fear of death, and fear of a legal impurity: which fears being banished, and no new one introduced by our lawgiver, we are not under restraint: and if we will be careful to observe all that is commanded us in Christ's law, it will be work enough, though we bind not on men's shoulders unnecessary burdens. 4. It is a part of the spirit of bondage to be

[i] Lev. xx. 17, 21.

subject to ordinances; but God will now be served by a more spiritual religion, and to abstain, as in the present instance, and to think it is a part of God's service, is superstition; it is to worship him with an instance that he hath not chosen, or commended: and, therefore, it is remarkable that when St. Paul[k] gave order to married pairs, μὴ ἀποστερεῖτε ἀλλήλους, "Defraud not one another;" he only gives this exception, "except it be by consent for a time, that ye may give yourselves to fasting and prayer; and come together again, that Satan tempt you not," διὰ τὴν ἀκρασίαν ὑμῶν, "for your want of power," and command over your desires and necessities. Abstinence, in order to special religion, is allowed and commended, and that by consent,—and that but for a sudden occasion,—and that so short, that it may not become an occasion of Satan's temptations; whatsoever is over and besides this, may be upon the account of Moses, but not of Christ and Christianity. 5. I speak this only to take off a snare from men's consciences laid for the unwary by unskilful masters of assemblies, so that all I say of it, is, that it may be done lawfully. 6. But that which does only recommend it, is, where there is necessity that it be done. 7. It is sufficient though the necessity be not absolute, if it be only ordinary and probable: for if this were not so, instead of allaying storms, and appeasing scruples, and breaking snares, they would be increased and multiplied; for it will be a hard thing, in most cases of that nature, to say, that the necessity is absolute. 8. But since there is in such congressions a natural abhorrency amongst most persons, and a natural impiety; if that which invites to it, be not at least a probable necessity, it must be a great undecency and violence of a wanton spirit. 9. It must always be without scandal and reproach. For even among the Jews it was only a legal impunity, if it be done without scandal; but if with contumacy and owning of it, it came to outface the modesty and authority of the law, then it became deadly: and so it may now, if that which is not of good report, be done and offered to the report of all them which can condemn the folly and impurity, but cannot judge of the necessity or the cause; and the fact, by becoming scandalous, is criminal, as much as

[k] 1 Cor. vii. 5.

when it is done without a probable necessity, and only upon lustful consideration.

Some, in their answers to this inquiry, make a distinction of the persons; affirming it in this case to be unlawful to ask, but lawful to pay a duty if it be demanded. But if it be naturally unlawful, it is then inexcusable in both: for neither must the one tempt to an unlawful act, nor the other consent to it: and there can be no obligation to pay that debt, which no man can lawfully demand. Neither of them hath a right, against God's law; and therefore the case is equal in them both. He or she that complies, does actually promote the sin, as well as the other that invites, and therefore in Moses' law they were equally criminal and punished with death. But if it be not naturally unlawful (as it appears it is not), then it may as well be demanded, as yielded to, when there is a probable necessity; but concerning that, the passive party is to believe the other; for if it be known to be otherwise, he or she that consents, does consent to an act, which is made unlawful by evil circumstances.

Of the Prohibition of Marriage in certain Degrees.

But the next inquiry concerning an instance in the judicial law is yet of greater concernment: for all those degrees, in which Moses' law hath forbidden marriages, are supposed by very many now-a-days, that they are still to be observed with the same distance and sacredness, affirming, because it was a law of God with the appendage of severe penalties to the transgressors, it does still oblige us Christians. This question was strangely tossed up and down upon the occasion of Henry VIII.'s divorce from queen Catharine, the relict of his brother prince Arthur; and according as the interest of princes uses to do, it very much employed and divided the pens of learned men; who, upon that occasion, gave too great testimony with how great weaknesses men, that have a bias, do determine questions, and with how great force a king that is rich and powerful, can make his own determinations. For though Christendom was then much divided, yet before then there was almost a general consent upon this proposition, that the Levitical degrees do not, by any law of God, bind Christians to their observation. I know but of one schoolman

that dissents; I mean Paludanus; or if there be any more, I am sure they are but very few,

Vel duo vel nemo.———

but the other opinion

Defendit numerus, junctæque umbone phalanges.

But abstracting from all interests, and relative considerations, I shall give as full account of this as I can, because the questions of degrees and the matters and cases of incest are not so perfectly stated as the greatness of the matter and the necessities of the world require; and besides this, it is at this day a great question amongst all men,—whether brother's and sister's children, or cousin-germans, may lawfully marry?—which question supposes, that not only the Levitical degrees are still thought obligatory, but even all those other degrees, which by a parity of reason can be reduced to those measures. I shall therefore give an account of the sentence of all laws in this great question, which can be supposed to oblige us.

Of Parents and Children.

Concerning this, I suppose it to be evident that nature hath been as free in her liberties, as in her gifts, open-handed enough to all; save only that she hath forbidden parents and children, higher and lower in the direct line, for ever to marry. Just as rivers cannot return to their fountains, nor evenings back again to their own mornings from whence they set out, nor yesterday be recalled, and begin again to-morrow. The course and order of nature is against it; and for a child to marry the parent is for to-day to marry yesterday, a going back in nature.

——— illum, illum sacris adhibere nefastis,
——— qui semet in ortus
Vertit, et indignæ regerit sua pignora matri [1].

To which may be added this other sufficient natural reason: that, if a son marries his mother, she who is in authority

[1] Stat. Theb. iv. 639. Bipont, p. 248.

greater by right of geniture, becomes 'minor in matrimonio,' less upon the same material account upon which she became greater; and the duty and reverence of a mother cannot be paid to her by him who is her husband: which I find well intimated by Phædra to Hippolytus,

Matris superbum est nomen, et nimium potens[m].

Besides these, there is a natural abhorrency of such mixtures: "Contra pudorem esse," said Paulus the lawyer; "it is against natural modesty:" which was rarely verified in the trial which the emperor Claudius made (wittily and judiciously, like that of Solomon upon the two harlots) upon a wicked woman who called him (who indeed was her son) a stranger, a beggar, the son of another woman, and suppositious, that so she might defeat him of his father's inheritance. The emperor, espying her malice, and suspecting her machination, found out this trial: 'If he be not your son, yet because he is young and handsome, rich and possessed of the inheritance, the title of which you would snatch from him, you shall marry him, and so possess him and the inheritance too.'—She, though desperately base, refused that offer, and though she was unnaturally malicious, yet would not be unnaturally incestuous; and chose to suffer the shame of discovery rather than the horrors of such a mixture.

But all this was not sufficient to make it to become a natural law, without the authority of God intervening. This made it to be excellently reasonable to be established into a law, and, therefore, God did so, and declared it, and did not trust man's reason alone with the conduct of it: but then it became an eternal law when God made it so: and that was at the very first bringing of a wife to Adam. "For this cause shall a man leave his father and his mother," said God[n], by his servant Moses, declaring to us what God then made to be a law, "and shall cleave unto his wife, and they shall be one flesh." This could not on both sides concern Adam, who had no natural father and mother, and, therefore, was a law given to all that should be born from him; when they

[m] Senec. Hippol. 609. Schroder, p. 265. [n] Gen. ii. 24.

took a wife or husband respectively, they must forsake father and mother, for between them and their children there could be no such intercourse intervening: and so the Jews, particularly Rabbi Selomoh, expounds the place; and it was necessary this should then be declared, for as yet the marriage of brother and sister was not forbidden, saith the Gemara Sanhedrin; and in obedience to this, because Adam had no other, he laid aside the love of earth and rain, of which he was produced, said Isaac Abravanel: and by this, they usually reconcile the seeming difference between these words and the fifth commandment. A man shall leave his father and mother[o]; and yet he must honour his father and mother: he must never leave to honour them; but when he intends to marry, he must forsake all thoughts of contracting with either of them. Now the mother and the wife being the opposite terms in the progression, he must leave one, and adhere or be united to the other, it must needs be that dereliction, or forsaking, or going from the mother, not relating to honour, but to the marriage, means that the child must abstain and depart from all thoughts of such conjunction. A mother is not less to be loved, less to be honoured after marriage than before; and, therefore, in no sense relating to this is she to be forsaken, therefore it must be in the other: and this our blessed Saviour recorded also in his law, where whatsoever is not sufficiently found, cannot pretend to be a law of nature, as I have already proved.

And now this being established and recorded as a law of nature in that way only that is competent, the disagreeing sentences of some men, and the contrary practices of nations, is no argument against it. Indeed I said in the first chapter, that the consent of nations is not sufficient to establish a natural law: for God only makes the sanction; but when he hath made it and declared it, the disagreeing practices of great portions of the world cannot annul the establishment. It is not sufficient to prove it to be a natural law, because wise people consent to it; but if God have made it so, it is a natural law, though half the world dissents: and, therefore, we are not, in this affair, to be moved at all, if wise men

[o] Matt. xix. 5.

should, in any age, affirm the marriages of sons and mothers to be lawful. So Diogenes and Chrysippus affirmed upon a ridiculous conceit, that cocks and hens did not abhor it. Against which impertinent argument [p], although it were sufficient to oppose the narrative, which Aristotle makes of a camel, and the Scythian horse who brake his own neck out of detestation of his own act, to which he was cozened by his keeper; for

> Feræ quoque ipsæ Veneris evitant nefas,
> Generisque leges inscius servat pudor [q]:

yet it is better to set down this reasonable proposition;—That a thing is against the law of nature, when, being forbidden by God, it is unnatural to men, though it were not against the nature of beasts.—But as the authority of these men is inconsiderable, and their argument trifling, so also the disagreeing practice of some nations in this particular is wholly to be despised:

> —— Gentes tamen esse feruntur,
> In quibus et nato genetrix, et nata parenti
> Jungitur [r] ——.

The Assyrians, the Medes, and Persians, especially the most honoured persons amongst them, their kings and their magi, did use it frequently:

> Nam Magus ex matre et nato nascatur oportet.

But the original and cause of this horrible and unnatural custom, we can so reduce to its first principle, that there can remain no suspicion but that they did prevaricate the law of nature. For when Nimrod had married his mother, Semiramis, and presently introduced the worship of fire, making that to be the Assyrian's and Persian's god, he was gratified by the devil. For, as Saidus Batricides, the patriarch of Alexandria, reports, the devil out of the fire spake to his first priest, that none should officiate in his rites, unless he would first lie with his mother, his sister, and his daughter. And Sham, the priest (for that was the name of

[p] Hist. Animal. lib. ix. c. 46. Plin. Nat. Hist. viii. 42. Varro de Re Rustica, ii. 7.

[q] Senec. Hippol. 913. Schroder. p. 285.

[r] Ov. Metam. x. 331. Gierig. vol. ii. p. 100.

the beast), did so, and so together with his prince became an authentic precedent to all generations of degenerous brutes; and was imitated by all that empire.

— τοιοῦτον πᾶν τὸ βάρβαρον γένος·
Πατήρ τε θυγατρὶ, παῖς τε μητρὶ μίγνυται·
— καὶ τῶνδ' οὐδὲν ἐξείργει νόμος[s].

But what Xenophon said of the Persians, is also true of all the nations together, who were debauched by their laws and accursed customs: "Non eo minus jus esse, quia à Persis contemnebatur;" "It is still the law of nature, though prevaricated by the Persians, and their subjects, and friends."—For when any thing appears to be so τοῖς πλείστοις, καὶ ἀδιαστρόφοις, καὶ μετὰ φύσιν ἔχουσιν, "to most, and to the uncorrupted nations, and to them who live according to natural reason[t]," it is a great presumption, it is indeed a natural law; and is so finally, if a command of God hath intervened in that instance: for by the divine appointment it is made a law,—and by the matter, order, and use of it, it is natural. But for the rest to whom these things seemed otherwise than God and nature did agree,—they were abused by none but by their own lusts; they were as a punishment of their vilest sins given over εἰς πάθη ἀτιμίας, to unnatural, to dishonourable, and unreasonable desire,

—— Cui fas implere parentem
Quid rear esse nefas?

But this was the product of their idolatry, and some other basenesses: of the first St. Paul is witness[u], that as a consequent of their forsaking the true God, they were given over to unnatural lusts; and Lucan[x] observes the latter of the Parthians,

—— epulis vesana meroque
Regia, non ullis exceptos legibus horret
Concubitus ———

Now what is the effect of superinduced crimes and follies is most contrary to nature; and it were unnatural to suspect that she had not made sufficient provisions in this prime

[s] Eur. Andr. 174. Priestley's edition of Euripides, vol. iv. p. 26.
[t] Michael Ephes. in Arist. ἠθικ. Ad Nicomach.
[u] Rom. i. 21, &c. [x] Pharsal. viii. 401, Oudendorp. p. 632.

case, upon pretence, because some unnatural persons have spoiled and defaced or neglected her laws[y]. One thing by the by I shall insert. I find Socrates noted by some, that he said, 'there is, in the marriage of parents and children, nothing to be reproved but the disparity of age.' But this is a mistake[z]; for though he brought that incompetent reason against it, yet for other causes he abhorred it: accounting it to be a law established by God and nature, μήτε γονέας παισὶ, &c. "That parents and children should abhor such marriages." For God and all the world, heaven and earth, do so: insomuch that a Roman philosopher was, in his dream, warned not to bury the corpse of a Persian, who had married his mother.

Μὴ θάψῃς τὸν ἄθαπτον· ἔα κυσὶ κύρμα γενέσθαι·
Γῆ πάντων μήτηρ μητροβῶρον οὐ δέχετ' ἄνδρα.

"The earth, who is the common mother of all, will not receive into her womb him, that defiled the womb of his mother[a]:" and the story says, that the ground spewed out the corpse of such a one that had been buried: and Virgil[b] affirms, that in hell there are torments prepared for him,

Qui thalamum invasit natæ, vetitosque hymenæos,

'who pollutes his daughter's bed,' and defiles himself with such forbidden entertainments.

Of Brothers and Sisters.

2. But though nature forbids this, yet the other relations are forbidden upon other accounts. Nothing else is against the prime laws of nature, but a conjunction in the right ascending and descending line. The marriage of brothers and sisters was at first necessary; and so the world was peopled: all the world are sons and daughters, descending from the first marriages of brother and sister. But concerning this, that I may speak clearly, let it be observed, that although the world does generally condemn all such and the like marriages, under the title of 'incestuous,' yet that is not properly expressed, and leaves us to seek for the just grounds of reproof to many sorts of unlawful marriages, and some others are con-

[y] Vide Tiraq, lib. vii. Connub. n. 22.
[a] Agath. Hist. 2.
[z] Xenoph. lib. iii. ἀπομνημ.
[b] Æn. vi. 623.

demned by too great a censure. The word 'incest' is not a Scripture word, but wholly heathen; and signified amongst them all unchaste and forbidden marriages, such which were not hallowed by law and honour; an inauspicious conjunction 'sine cesto Veneris,' in which their goddess of love was not president; marriages made without her girdle, and so 'ungirt,' 'unblessed.' This word, being taken into the civil law, got a signification to be appropriate to it; for there were three degrees of unlawful marriages: 'damnatæ,' 'incestæ,' and 'nefariæ.'—'Damnatæ nuptiæ' are such, which the law forbids upon political considerations; such as are between the tutor or guardian and the orphan or pupil, between a servant and his mistress, between a freedman and his patroness; and such was, in the law of Moses, between the high-priest and a widow; and in Christianity, between a priest and a harlot, and between any man and her whom he defiled by adultery, while her first husband was alive,—all marriages with virgins professed and vowed. There is in these so much unreasonableness of being permitted, that by the law they stood condemned, and had legal punishments and notes of infamy proportionable. 'Incestæ nuptiæ' are defined in the law [c] to be 'coitio consanguineorum vel affinium;' 'the conjunction of kindred or allies,' meaning, in those instances which are by law forbidden: and these are forbidden upon differing considerations from the former, viz. for their nearness of blood and relation, which the laws would have disseminated more or less,—for their approach to unnatural marriages,—for outward guards to the laws of nature,—for public honesty, and compliance with the customs of their neighbours, of the same interest, or the same religion, or for necessary intercourse. But because unskilful persons or unwary have called 'unnatural' mixtures by the name of 'incestuous,' as incestuous Lot, and the incestuous Corinthian; therefore, whatever any law calls 'incest,' they think they have reason to condemn equally to those abominable conjunctions. But neither ought 'incest' to be condemned with a hatred equal to what is due to these [d]; neither ought these to be called 'incest:' for in true speaking these

[c] C. Lex illa. Sect. incest. 36. q. 1. L. si adult. cum incest. in prin. D. de Adult.

[d] Text. in Authentic. de Incest. Nupt. in Princ. Collat. 2.

are not 'incestæ nuptiæ,' but 'nefariæ,' and 'naturæ contrariæ,' "wicked or abominable, and contrary to nature:" for although the law sometimes calls those mixtures, which are between kindred, by the title of 'nefariæ,' or impious, yet it is to be understood only of that kindred, which is, by the law of God and nature, forbidden to marry: so the gloss[e] in Authentic. de Incest. Nupt. affirms, so Archidiaconus, Johannes Andreus, Covaruvias, and the best lawyers: and the word is derived from the usage of it in the best authors: "Feræ quoque ipsæ Veneris evitant nefas;" the conjunction of parents and children is 'nefas Veneris,' and the marriages 'nefarious.' Now of this deep tincture none are, excepting marriages, in the right ascending and descending line. The marriages of brothers and sisters are incestuous, and the worst degree of it: and so forbidden by the laws of all civil nations: but, therefore, they are unlawful only because forbidden by positive laws; but because the prohibition is not at all in the laws of Christ, therefore it cannot be accounted against the prime law of nature, of which that is a perfect system. Not that it can, in any case of present concernment or possibility, become lawful, or, for any reason, be dispensed withal by any power of man: for it is next to an unnatural mixture, it hath in it something of confusion, and blending the very first partings of nature, it is of infinite vile report, intolerably scandalous, and universally forbidden. But though this be enough, yet this is not all.

Michael of Ephesus[f] says, that at the first these marriages were indifferent, but made unlawful by a superinduced prohibition. And, indeed, if they had been unnatural, they could not have been necessary. For it is not imaginable, that God, who could, with the same facility, have created a thousand men and as many women, as one, would have built up mankind by that which is contrary to human nature: and therefore we find, that, among the wisest nations, some whom they esteemed their bravest men did this. Cimon, the son of Miltiades, married his sister, Elpinice, "non magis amore quam more ductus," said Cornelius Nepos *, "not only led by love, but by his country's custom."

[e] C. cum secund. Leges de Hæret. in 6.
[f] In 5. ad Nic.
* Vide Cimon, i. 2. Fischer, p. 102.

So Archeptolis, the son of the brave Themistocles[g], married his sister, Mnesiptolema. Alexander, the son of Pyrrhus, king of Epirus, married his sister, Olympias; Mithridates married his sister, Laodice; Artemisia was sister and wife to Mausolus, king of Caria: so was Sophrosyna, to Dionysius, of Syracuse; Eurydice, to Ptolemæus Philopater; Cleopatra, to Ptolemæus Physcon; Arsinoe, to Ptolemæus Philadelphus; whom when Sotades had reproved upon that account, saying, οὐκ εἰς ὀσίην τρυμαλιὰν τὸ κέντρον ὠθεῖς, he imprisoned him. But I need not bring particular instances of Egyptians: for Diodorus Siculus affirms, that they all esteemed it lawful, and Dion Prusæensis says, that all the Barbarians did so.

But all the Greeks[i] did so too, having learned it from their princes, whom after ages had turned into gods,

> —— Dii nempe suas habuere sorores:
> Sic Saturnus Opim, junctam sibi sanguine, duxit,
> Oceanus Tethyn, Junonem rector Olympi[k].

Though I suppose that this is but a fabulous narrative, in imitation of the story of Cain and Abel, as appears by their tale of Jupiter and Prometheus; which is well noted by the observator upon the mythologies of 'Natalis Comes,' under the title of 'Jupiter.' But that which moves me more than all this, is the answer which Tamar gave to her brother, Amnon: "Now therefore speak unto the king, for surely he will not withhold me from thee," and yet she was his father's daughter, his sister by the paternal line:—and Abraham told the king of Gerar concerning Sarah, his wife; "and yet indeed she is my sister, she is the daughter of my father, but not the daughter of my mother;" that is, the daughter of Terah, as was generally supposed, of which I shall yet give further accounts. Now it is not to be supposed, that either Abraham before, or David after the law, would have done or permitted any thing against the law of nature: and if it was against positive law, as it happened in the case of Amnon and David, the marriage might be valid though forbidden, and the persons be excused upon some other account, which is not proper here to be considered.

[g] Plut. in Them. p. 128.
[h] Vide Lucian. lib. de Sacrificiis.
[i] Vide Alex. ab. Alexan. lib. i. c. 24. Genial. Dierum.
[k] Ov. M. ix. 496. Gierig. vol. ii. p. 47.

But I again renew what I said before, this discourse is not intended so much as secretly to imply that it can now at all be, or be made, lawful, or is at any hand to be endured. For the marriage of brother and sister is against a secondary law of nature; that is, it stands next to the natural prohibition, and is against a natural reason, though not against a prime natural law. Every reason, indeed, is not a sufficient indication of a law, nor a natural reason of a natural law; but when the reason is essential to nature consigned by God, then it is: and as a reason approaches nearer to this, so the action is more or less natural or unnatural; and this is the case of brother and sister. For the reverence which is due to parents, hath its place here also, "propter recentem admodum parentum in liberis imaginem;" and therefore it is, with greater reason, forbidden: and, if it were not, the whole world might be filled with early adulteries. For the dearnesses of brother and sister, their cohabitation, their likeness of nature and manners, if they were not made holy and separate by a law, would easily change into marital loves: but their age and choice would be prevented by their too early caresses: and then since many brothers might have the same kindness to one sister, or might have but one amongst them all, the mischief would be horrible and infinite.

> Dulcia fraterno sub nomine furta tegemus.
> Est mihi libertas tecum secreta loquendi,
> Et damus amplexus, et jungimus oscula coram;
> Quantum est, quod desit[1]!

For these and other accounts, which God best knew, he was pleased to forbid the marriage of brothers and sisters: this law, the Jews say, God gave to Adam under the title 'De non revelanda turpitudine;' but yet so, that it was not to be of force, till mankind were multiplied: but then it took place as men did please. But this they say upon what ground they please; for it is highly improbable that the law of nature should be allowed years of probation, or that it should be a prime law of nature, which the nature of things and the constitution of the world did make necessary to be broken. But because God did afterwards make it into a law, and there is now very great reason that it should be a

[1] Ov. M. lx. 557. Gierig. vol. ii. p. 51.

law, and the reason is natural, and will be perpetual, and all Christian nations, and all that have any formed religion, have agreed to prohibit such marriages:—he that shall do so unreasonably, and as things now stand, so unnaturally and so foolishly as either to do it, or teach it, must be of no religion, and of no people, and of no reason, and of no modesty.

Of Mothers-in-Law, and their Husband's Children.

That the marriage of these is not against the law of nature, St. Austin[m] does expressly affirm in his questions upon Leviticus; saying that 'there is forbidden the discovering his father's nakedness;' but this is not to be understood of the father while he is alive, for that is forbidden in the prohibition of adultery: "Sed ibi prohibetur matrimonium contrahi cum illis, quas seclusa lege licet uxores ducere;" "marriage is there forbidden to be made with them, with whom otherwise it were lawful to contract:" but for this there can be no reasonable and fair pretence. For a mother-in-law and a mother are all one in the estimation of all the laws of the world, and therefore were alike in the prohibition: and the contrary was never done but by them who had no pretence for it, but 'quod libet, licet;' 'whatsoever a man hath a mind to do, that he may do:'—for this was the argument, which Phædra[n] courts Hippolytus withal;

Nec, quia privigno videar coitura noverca,
Terruerint animos nomina vana tuos.
Ista vetus pietas, ævo moritura futuro,
Rustica Saturno regna tenente, fuit.
Jupiter esse pium statuit, quodcunque juvaret;
Et fas omne facit fratre marita soror.

The impiety of their gods seemed to be their warrant, and their pleasure was all their reason, their appetite was their argument. But this we find sufficiently condemned by St. Paul, "it is a fornication, which is not so much as named amongst the Gentiles,—that one should have his father's wife." Cajetan supposes, that this Corinthian did lie with her, while his father was alive; because the apostle calls her not the widow, but the wife of his father. I am of his opi-

[m] Quest. 61. [n] Ovid. Heroid. ep. iv. 129. Mitscherl. vol. i. p. 20.

nion, but not for that reason; because that expression he uses not so much to describe the person as to aggravate the crime: but that it was in his father's lifetime I am induced to believe by the word πορνεῖα, 'fornication,' which though it be often used for 'adultery,' yet I find it not used for 'nuptiæ nefariæ,' or that which is usually called 'incest.' But however, that which St. Paul notes here and so highly abominates, is not the adultery, but the impiety of it; not that it was a wife, but his father's wife; and therefore although even so it were a high crime and of a deep tincture, yet the unnaturalness and the scandal of it St. Paul here condemns: it was the same that Antiochus did to Stratonice, the wife of his father Seleucus, and that which Reuben did to the concubine of his father Jacob; a thing so hateful to all nature that the very naming of it is a condemnation; and therefore is all one with the prime natural law of prohibition of the conjunction of parents and children: for she that is one flesh with my father, is as near to me as my father, and that is as near as my own mother; as near I mean in estimation of the law, though not in the accounts of nature, and therefore, though it be a crime of a less turpitude, yet it is equally forbidden, and is against the law of nature, not directly, but by interpretation.

Of Uncles and Nieces.

Now if the nearest of kin in the collateral line were not forbidden by a law of nature, much less are they primely unlawful that are further off. The ascending and descending line cannot marry, but are forbidden by God in the law of nature: so mothers-in-law and their husband's children: and brothers and sisters are, by the laws of all the world, and for very great reason, forbidden, but not by the law of nature. But, for all other degrees of kindred, it is unlawful for them to marry interchangeably, when and where they are forbidden by a positive law, but not else; and therefore the marriages of uncles and nieces, or aunts and nephews, become unlawful, as the laws of our superiors supervening make it so, but was not so from the beginning, and is not so by any law of Christ.

In the civil law of the Romans, it was lawful for the uncle to marry the brother's daughter, and this continued by

the space of two hundred and fifty years from the days of Claudius to the reign of Constantine, or thereabouts: and though this began among the Romans upon the occasion of Claudius's marrying Agrippina, yet himself affirms (as Tacitus[o] makes him to speak) "Nova nobis in fratrum filias conjugia: sed aliis gentibus solennia, nec lege ulla prohibita:" "Indeed it is new to us, but to other nations usual and lawful:" and the newness of it scared Domitian so that he refused it; and not many did practise it: only I find that a poor obscure libertine, T. Alledius Severus, did it, as Suetonius (Claud. 26) observes: but it was made lawful by the civil law, and allowed in the rules of Ulpian; and when Nerva had repealed the law, Heraclius reduced it again, and gave the same permissions.

But that which moves me more is, that it was the practice of the Jews, the family of Abraham, and the council of the wise men to do so, as Ben Maimon the famous Jew reports: "In monitis sapientium habetur, ut in uxorem ducat quis ante alias, neptem ex sorore, seu ex fratre neptem, juxta id quod dicitur, à carne tua ne te abscondas:" and Josephus does suppose, that when Abraham said of Sarah, 'she is my sister, the daughter of my father,' the truth is, she was his father's grandchild, that is, the daughter of Abraham's brother for unless it had been a known thing in that nation, that Abraham's family would not have married their german-sisters, it could have been no security to Abraham to pretend her to be so: for she might be his wife and his sister too, unless such marriages had been unlawful and rejected. But then when Abraham was reproved for his lie, he helped the matter out with a device; she was his father's daughter, that is, by the usual idiom of that family, the child of his father descending by his brother: and this was St. Austin's[p] opinion, "Nam qui maxime propinqui erant, solebant fratres et sorores appellari;" and Cicero[q] calls his cousin Lucius, brother; so Lot[r] is called Abraham's brother, though he was but the son of his brother Haran, just as near as his wife Sarah was to him, whom for the like reason he called sister. But of this I shall yet give a further account. But whether

o Annal. xii. c. 6. Ruperti, pag. 293.
q De fin. v. c. 1. Davis. Rath. pag. 378.
p Lib. xv. de civit. Det. c. 16.
r Gen. xiii. 8.

Josephus said true or no, Abraham said true, that is certain; either she was his half-sister or his brother's daughter; either of which is forbidden in Leviticus; and this sufficiently declares that they have their unlawfulness from a positive law, not from any law of nature.

If it were needful to instance in any other great examples of such marriages, it were very easy to do it. Amram, the father of Moses, married his aunt, as some suppose; Diomedes and Iphidamus, among the Greeks, married their mother's sisters; and Alcinous took to wife Arete, his brother's daughter. Andromeda was promised to her uncle Phineus. One of the Herods married his brother's daughter, and yet was not (so far as we find) reproved for it; and he gave his own daughter to his brother Pherotas; and some suppose this to be the case of Othniel, in the days and under the conduct of Joshua. For the words in the story are these[s]: "And Othniel the son of Kenaz, the brother of Caleb, took it: and he gave him Achsah his daughter to wife:" but of this I shall give a particular account: for this being against the law of Moses by which they were bound, was not to be supposed easily to have been done by so pious persons: but all that I contend for, is, that it was not unlawful before the law of Moses: against these marriages there was no "opus scriptum in cordibus," no law of nature, but they became unlawful upon another account; and therefore it was unlawful to them only, to whom that account was to be reckoned.

Of the Marriage of Cousins-German.

From the premises it will abundantly follow, that no person ought to be affrighted with the pretences of any fierce and mispersuaded person, that the marriage of cousin-germans is against the law of nature: and in this case a man need least of all to fear; for the law of nature is a known and evident thing, it is notorious and felt, and if any man shall need to be told what is against natural reason, which is the matter out of which all natural laws are framed, he may as well have need to be reminded, when he is hungry or thirsty. For although some persons have got a trick to scare their proselytes from a practice to which they have no

[s] Josh. xv. 17.

mind, by telling them it is against the law of nature, when they can prove it upon no other account to be unlawful, so making the law of nature to be a sanctuary of ignorance and an artifice to serve their end, just as the pretence of occult qualities is in natural philosophy; yet concerning the law of nature, it being imprinted in our hearts, explicated by Christianity, relying upon plain, prime, natural reason, a man may as much need to be told when himself does a thing against his own will, as when he does against his own reason and his own nature. Only it is certain, that when education and our country customs have, from the beginning, possessed our understandings and our practices, so that we never saw any other usage of things or heard talk of any other, it looks as if it came from nature, and were something of her establishment: so St. Paul to the Corinthians, "does not even nature herself teach, that it is a shame for a man to wear long hair?" that is, even in nature there is the signification of some difference in that matter, which custom hath established into a law: but in such cases as these, a wise man can easily distinguish words from things, and appearances from firm establishments. But that the law of nature hath nothing to do in the marriage of cousins-german, save only that she hath left them to their liberty, appears from all the premises, which in this instance, as being further removed, must needs conclude stronger than in their own.

But then, in the next place, if the inquiry be made, what it is in the judicial law of Moses, which is the main of our present inquiry; supposing the judicial law of Moses could, in any of its instances, oblige Christians, yet cousins-german were still free to marry: for I do not so much as find it pretended by any one to be there forbidden, except St. Ambrose, who disputing fiercely against Paternus for marrying his son to his grandchild by another venter, that is, so as the young gentleman was uncle to his wife, in anger against that, says that by the law of God (meaning in Leviticus) cousins-german are forbidden to marry, much more (says he[t]) uncle and niece: "Qui enim leviora astringit, graviora non solvit sed alligat:" "He that binds to the less, does not untie the greater." But the event of this is only that St.

[t] S. Amb. ep. 66. ad Paternum.

Ambrose is by all learned men condemned for ἁμάρτημα μνημονευτικὸν, 'a slip in his memory:' and men ought to be wary, lest great names abuse them by opinion and mistaken zeal.

But the law is this, Lev. xviii. 6. "None of you shall approach to any that is near akin to him, to uncover their nakedness: I am the Lord." Here the questions use to be,

1. What is meant by "none of you?"
2. What is intended by "near of kin to you?"

"None of you:" "Vir vir non accedet:" ἄνθρωπος ἄνθρωπος in the LXX. "A man, a man shall not approach:" so it is in the Hebrew: that is, say the Rabbins, 'the Jew and the Gentile shall not.' I shall not contend for it, or against it. I suppose it may well be admitted, that potentially all mankind was included, that is, all who were born to Israel, or adopted by being proselytes, were bound to this law, Jews and Gentiles too when they became Jews in religion, but that it included others, that conversed not with the nation, that were strangers to their laws, is as if we should say the Parthians were to be judged by the Gallic laws, or the Persians guided by the Greeks. But the purpose of them who would introduce this sense, is, that it might be intimated that those degrees, here mentioned, were forbidden by the law of nature, and consequently obliging all Christendom: the contrary whereof because it appears from the premises, I shall only add, that no nation of old did observe all these laws, and that there was never any sufficient argument to enforce upon us their obligation, and because it must needs remain to us as it was before the law,—if they were not obliged then, neither are we. But this I suppose they might be, and some of them were obliged by special laws before the collection and publication of the body of Moses' law. For as the law of Christ is a collection and perfect explication of the law of nature and essential reason: so Moses' law was a collection of all the wise and prudent laws, by which God governed those nations and those ages, which were before Moses. Thus the law of the sabbath was one great member of this collective body of the Mosaic law; but it was given before the solemnities of mount Sinai. The law that the brother should raise up seed unto his brother who died without issue, was also given to that family before the

publication of it by Moses, as appears in the story of Judah and Tamar's quarrel about Onan and the rest. And thus also I suppose, that all or most of these laws of marriage were given to the nations of the east and south, descending upon them by the tradition of their forefathers; from God derived to Adam in part, and in part to Noah, and something of it to other patriarchs and eminent persons, and at last by the commandment of God united into a digest by Moses.

And upon this account it is, that God said that 'the Canaanites had polluted themselves in all these things, and therefore the land did spew them out;' which although it cannot infer, that these laws did naturally oblige, as I have already discoursed[u], yet that they were, by some means or other, bound upon them, is probable enough, though in this matter there be no certainty. But in this there is; for that all mankind was not bound by all these laws of consanguinity and affinity, appears in all the foregoing instances: and the marriages of the patriarchs must conclude them to be as impious as the Canaanites in theirs, or else that these laws did not oblige all mankind: and if not from the beginning, then not now: if these laws were not natural, they are not Christian, which also will further appear in the sequel.

2. But there will be more consideration upon the second quære, what is meant by—"near of kin to you?"

Our English is not sufficiently expressive of the full sense of it. The Latin is something nearer to the Hebrew, "Vir non accedet ad propinquitatem carnis suæ;" "To the nearness of his flesh," πρὸς οἰκεῖα σαρκὸς, or as other books, πρὸς οἰκεῖαν σαρκὸς, "ad domesticam carnis suæ," "to her that is so near of kin, that they usually dwell in the same house;" that is, parents and children, brothers and sisters, or our parents' brothers and sisters. In these cases, there being ever the same account of consanguinity and affinity; this rule takes in all that is there forbidden. But it is highly observable that there is great difference between 'Propinqui' and 'Cognati.' God never forbade to marry our kindred, but he forbad to marry the nearness of our flesh. Which phrase when we rightly understand, this whole question will be quickly at an end.

[u] Supra, n. 14.

For 'near of kin' is an indefinite word, and may signify as uncertainly as 'great' and 'little' do: nothing of itself determinately, but what you will comparatively to others: and it may be extended to all generations of mankind where any records are kept, as among the Jews they were: from Judah to Joseph, the espoused of the blessed Virgin, from Benjamin to Michael, from Levi to Heli: and thus it is in great proportion amongst the Spaniards and Welch, and, in all nations, in their greater and more noble families. The Welch do, to this day, esteem him near of kin to them, whom the English do not: and since we see the prohibition of marriage with kindred hath been extended sometimes, and sometimes contracted, it is necessary that all lawgivers do express what is meant by their indefinite terms.

Hemingius gives a rule for this as near as can be drawn from the words and the thing. "Propinquitas carnis," saith he, "quæ me sine intervallo attingit." That is, "she that is next to me, none intervening between the stock and me:" that is, the propinquity or nearness of my flesh *above* me is my *mother*, *below* me is my *daughter*, on *the side*, is my *sister*, this is all: with this addition, that these are not to be uncovered for thy own sake; thy own immediate relation they are: all else which are forbidden, are forbidden for the sakes of these: for my mother's or my father's, my son's or my daughter's, my brother's or my sister's sake; only reckon the accounts of affinity to be the same: "Affinitates namque cum extraneis novas pariunt conjunctiones hominum, non minores illis quæ è sanguine venerunt:" said Philo[x]; "Affinity makes conjunctions and relations equal to those of consanguinity:" and, therefore, thou must not uncover that nakedness, which is thine own in another person of blood or affinity, or else is thy father's or thy mother's, thy brother's or thy sister's, thy son's or thy daughter's nakedness. This is all that can be pretended to be forbidden by virtue of these words, "near of kin," or "the nearness of thy flesh."

And this we find expressed[y] in the case of the high priest's mourning: "The high priest might not be defiled for the dead among his people, but for his kin that is near unto him, he may;" that is, for his mother and for his father,

[x] De leg. special. [y] Levit. xxi. 2.

and for his son, and for his daughter, and for his brother, and for his virgin-sister. This is the 'propinquitas carnis,' she that is immediately born of the same flesh that I am born of, or she out of whose flesh I am born, or she that is born out of my flesh, this is "near of kin." There is no other propinquity but these, all else are removed; and when a bar does intervene, all the rest are or may be accounted, 'kindred,' but 'not near of kin,' not the nearness of my flesh, which only is here forbidden.

Only this more: that since the prime natural law does forbid the marriage of the ascending and descending line, that is, fathers and children, and so consequently and by a stronger reason, grandchildren, and downwards for ever in descent; God was pleased to set a προφυλακὴ, 'a bar and a hedge' round about this to keep men off, far off from it,—that if men would be impious, they might not, at first, come to the highest step: and, therefore, as God placed the prohibition of brother and sister under, so on the side of it he forbade the marriage of uncles and aunts: for they are thy father's or thy mother's 'near kin,' they are to them the 'propinquitas carnis;' therefore, for the reverence of father and mother the Jews were bidden to keep off one step more; for the last step of lawful is soon passed over into the first step of unlawful, and therefore God was pleased to set them further off. And the Christian divines and lawyers, well understanding this, express the prohibition to this sense: that uncles and aunts are not to be married, because they are 'loco parentis,' they are 'quasi parentes,' images of fathers and mothers, for the reverence of which, the marriage of our uncles and aunts respectively are forbidden. This is just as it was forbidden to the Jews to make an image; which thing could not have any moral or natural obliquity; but it was set as a προφυλακὴ, 'a guard and a hedge' to keep them off from worshipping them. The case is the same here: for the Jews were as apt to comply with the Egyptians and Canaanites in their incestuous mixtures, as in their idolatrous worshippings; but, therefore, the hedges were placed before them both. But half an eye may see the different accounts, upon which, in this place, there was passed an equal prohibition.

But besides all this, what better determination can we

have of these indefinite words of 'near of kin' or 'the nearness of thy flesh,' (for those are the words in the Hebrew, so they are to be rendered), than the express particulars made by God himself in that very place; where none are reckoned in the equal collateral line, but brothers and sisters, and their 'affines' or 'allies' their husbands and wives respectively; none in the unequal collateral line, but uncles and aunts and their allies; in the ascending and descending line, fathers and mothers, their children and their grandchildren with their allies; in all which there is nothing at all that concerns cousins-german, neither upon any thing of this account can they be supposed to be forbidden, or to be 'the nearness of our flesh.'

But if any scrupulous person shall inquire further, and suspect that some degrees or persons are forbidden to marry that are not here expressed, but included by a parity of reason, as it happens in another instance: for it is not forbidden to marry our mother's brother's wife; but because here it is made unlawful to marry father's brother's wife, it is to be concluded also for the other, there being the same degree and the same reason.

I answer to this by parts; 1. It is very likely that it is so intended, that in equal cases there is an equal prohibition; but it cannot certainly be concluded and relied upon that it is so. 1. Because upon this account cases of fear and scruple might very much be multiplied to no purpose. For I remember, that Fagius reckons, out of the books of the Rabbins, twenty persons forbidden to marry, which yet are not reckoned in Levitieus. 2. Because of the rule of the law[z], "Quod lege prohibitoria non vetitum est, permissum intelligitur:" "In negative precepts that which is not forbidden, is presumed to be allowed." And to add more out of fear is either to be wiser than the lawgiver, or to suspect him to be apt to quarrel by unknown measures, and secret rules of interpretation. 3. Because I find, that, amongst wise nations, the same degree does not always admit the same prohibition. To marry my father's sister was forbidden, and it was not forbidden to marry my brother's daughter, but it was sometimes practised amongst

[z] L. Mutus. 43. D. de procur.

the Hebrews; and they give this reason for it; because young men, daily frequenting the houses of their grandfathers and grandmothers, converse with their aunts, and are therefore forbidden to marry, lest such conversation should become their snare: but to the houses of their brethren their address is not so frequent, their conversation more separate, and their interest and expectations less, and therefore to marry the daughters of their brother might with more safety be permitted, because there is less temptation. Thus by the laws given to the sons of Noah, the Jews observe, that it was permitted to marry the sister by the father's side, but not our sister by the mother. It was Abraham's case; for as Saidus Batricides, the patriarch of Alexandria, about seven hundred years since, in his Ecclesiastical Annals, tells out of the monuments of the east: "Terah begat Abraham of his first wife Jona; and, she being dead, he married Teheritha, and of her begat Sarah,—Abraham's wife: and this is it which he said, 'she is the daughter of my father, but not the daughter of my mother:'" From whence they suppose this not to be permitted, and that the other was; for so R. Jarchi glosses those words of Abraham now quoted: "Quoniam inter gentes ratio consanguinitatis paternæ neutiquam habebatur:" "Because among the Gentiles" (meaning by the law of nature, or the law given to Noah), "there was little or no account made of kindred by the father's side in the matter of marriages." So amongst the Romans, after the time of Claudius, it was permitted to marry the brother's daughter, but not the sister's daughter, as appears in the rules of Ulpian; but the reason of this particular instance, I confess, I cannot learn; I only observed it to this purpose, that, amongst wise nations, the same degree hath not the same prohibition.

But I am willing enough to admit it with these cautions. 1. That there be not only the same degree, but the same reason: for as Ulpian well observes in his rules: "In quarto (gradu) permittitur (connubium) extra eas personas, quæ parentum liberorumque locum habent:" therefore, says he, they add that the great aunt by the father's and by the mother's side, and the sister's niece, may not be married, "Quamvis quarto gradu sint," "although they are in the fourth degree:" because the prohibition is not always for the near-

ness or for the degree, but for the proper reason; and if you could suppose a woman to live to see six generations of her line, yet it is unlawful for her to marry that sixth degree of nephews, and not unlawful to marry the first degree of cousins.

2. In the descending line, the case is otherwise than in the equal line. Here the further off the persons are, the less reason still there is they should be forbidden: but in the descending line, the further the persons are removed, the greater cause there is they should be forbidden: therefore, there is no comparison between the cognation of uncles and their nieces, and the cognation of cousins in the equal lines: because the reason distinguishes them, not the kindred or nearness to the common parent.

3. It is true which is affirmed in the law, "In pari cognationis gradu, par idemque jus statuatur:" "When the cognation is the same, the law is so too;" that is, if it be measured in the same kind of cognation: ascending compared to ascending, equal collateral to equal collateral, unequal to unequal; for when the comparison is of things in the same order, then not only the degree but the reason is most commonly the same too, and that is principally to be regarded.

But though I am willing enough to admit this rule with these cautions, yet many others will not, nor think it reasonable that any thing should be supposed to be forbidden in the Levitical law, but what is there set down, excepting the descent of children, in which it is not easy to prevaricate beyond the degrees forbidden expressly, if a man had a mind to it; and it was never heard of, that a marriage was thought of between a woman and her great-grandfather: and they give this reason why they limit themselves to the degrees expressed. Because unless God had intended there a perfect enumeration of all the persons forbidden to contract marriages mutually, it cannot be imagined why he should be pleased to repeat some degrees twice which are equally forbidden in the several instances: for if the parity of cognation were to be the measure, then those degrees, which are twice repeated, might, without such repetition, have better been reduced to the rule, under which they were sufficiently prohibited.

2. But whether it be, or be not so, yet it can no way

reach to the case of cousins-german: for there is, in Leviticus, no degree equally near that is forbidden, except of such persons which are in the place of parents, who are prohibited upon another account.

But that which ought to put it past all question that the marriage of cousins-german was not prohibited by the Levitical law, either expressly or by consequence and parity of reason, is this: because it was practised by holy men, both before and after the law, and so ordered to be done by God himself. In the law, there are no words against it, no reason against it expressed or intimated in a parity of prohibition given to something else; and it was frequently practised amongst persons of a known religion, and was, by God, given in command to some persons to do it; therefore, nothing is more certainly warranted, excepting only express commandments.

The particulars I relate to in Scripture [a], are these; Jacob married his cousin-german Rachel, the daughter of his uncle Laban. Amram, the father of Moses, begat him of his cousin-german Jochabed. That she was his aunt is commonly supposed, but the LXX. and the vulgar Latin report her to be his aunt's daughter, though by the style of the Hebrews, she was called his aunt: just as Hanameel is called in some books the uncle of the prophet Jeremy [b], when he was really his uncle's son; and so the vulgar Latin Bibles read it: and Lot was called 'brother' by Abraham, when he was his brother's son. Caleb having promised his daughter Achsah to him, that should take Kirjath Sepher, she fell to Othniel the son of Kenaz, Caleb's brother; so Pagnine and Arias Montanus read it, "filio Kenaz fratris Caleb," meaning Kenaz to be Caleb's brother: so that Othniel and Achsah were brother's children; for it cannot be supposed that Othniel was Caleb's brother, and so was uncle to Achsah; for that being forbidden in the law of Moses, under which Othniel and Achsah lived, was not a thing so likely to be done, and consented to by Caleb: as I have already [c] noted.

But the matter was made more notorious in the case of Zelophehad's daughters [d]; who, because they were heiresses,

[a] Exod. vi. 20.
[b] Jer. xxxii. 12.
[c] N. 33.
[d] N. 36.

were commanded to marry their kindred; and they married their father's brother's sons. This was a special case, but therefore it was a special command; and what was, in all cases, lawful, was made, in this case, necessary. For if the woman was an heiress, she was to pleasure her own family rather than strangers. And this was not only amongst the Jews, but amongst the Greeks and Latins, as appears by that of the comedy [e],—

> Lex est ut 'orbæ, qui sint genere proxumi,
> Iis nubant;' et 'illos ducere' eadem hæc lex jubet.

If the woman was without children (add also) and without a father, that is, if her father be dead,—the next of kindred was bound to marry her: and therefore, when Æschylus [f] calls the marriage of certain cousins-german λέκτρα ὧν θέμις εἴργει, "marriages which the law forbids," and affirms μιαίνεσθαι γένος, 'the family is stained by it,'—the scholiast adds, that therefore 'these marriages are unlawful, because the fathers were alive;' and so it was not unlawful upon the stock of kindred; but because the maid was ἐπικληρῖτις, an 'heiress,' and might not marry without her father's leave. This woman was called among the Greeks ἐπιδικαζομένη, 'a woman determined by law,' and already judged to such a marriage; πατρῷοῦχος, and ἐπίκληρος, or ἐπικληρῖτις, and to them that were so, it was not free to marry any one; they must marry their kindred;—

> Hic meus amicus illi genere est proxumus,
> Huic leges cogunt nubere hanc ——— [g].

And we find in the old civil law, that one Cassia was declared inheritrix upon condition, "Si consobrino nupsisset [h]:" "if she did marry her cousin-german:" and Papinian [i] affirms, "conditionem illam, si consobrinam duxeris, hæreditatis institutioni utiliter adjici posse;" it is a legal and a fair condition, and may be the limit of an inheritance, that the heiress be bound to marry her cousin-german. And this in some measure was the case of Ruth [k], whom Boaz, great-grand-

[e] Terent. Phorm. act. i. sc. 2. 75. Bipont. p. 143.
[f] Ixετ. 38. Butler, vol. ii. p. 6.
[g] Adelphi. iv. 5, 17.
[h] Lib. ii. C. de instit. et subst.
[i] Lib. xxiii. et xxiv. D. de ritu nuptiarum.
[k] Ruth, iii. 12.

father to king David, did marry by the right of a kinsman. "Now it is true," saith he, "that I am thy near kinsman, howbeit there is a kinsman nearer than I:" which kinsman, because he refused to marry Ruth, Boaz took her to wife, and she became a mother in the line of the Messias; for Christ came out of her loins according to the flesh.

Into which line because this argument hath led me, I offer it to consideration as the last and greatest example of the lawfulness and holiness of such marriages under the law of Moses, and as a warranty to all ages of the Christians; the blessed Virgin Mary, the mother of our most blessed Saviour, was married to her cousin-german,—as was supposed upon this reason: for her husband Joseph was the son of Heli, saith St. Luke[1]; that is, the legal son of Heli; for Jacob begat him, saith St. Matthew. Now Heli and Jacob were brethren, the sons of Matthat, who was grandfather to Joseph and Mary; for unless, by the cognation of Joseph and Mary, the same genealogy had served for them both, the reckoning of the genealogy of Joseph could not have proved Jesus to have descended from David. But if this instance should fail, and that their consanguinity (for they were cousins) did stand at further distances; yet there are examples, and reasons, and authentic precedents, already reckoned, enow to warrant us in this inquiry.

By all which it appears, what was the state of these marriages under the law of Moses; and yet all the scruple, at which weak persons start or stumble, is derived from that sanction in Leviticus: which, in despite of all reason, and all precedents, and all observations whatsoever, they will needs suppose to be a natural and moral law, so making eleven commandments: for certain it is, that the ten commandments was to the Jews the sum of their moral law: in which, since some things that were ceremonial were inserted, it is not likely that any thing that was moral, should be omitted. In the ten words of Moses, there was nothing less than their whole moral law, though something more there was: but this of forbidding cousins to marry was no where put. If it had been put in Leviticus, it was but national and temporary; for I have proved it was not against the law of nature, which

[1] Luke, iii. 23.

permitted nearer relatives than cousins-german to marry. I have also proved that the sanction of Moses did only oblige Jews and proselytes: that if they had obliged all, yet cousins-german are not there expressly forbidden,—and if they be not there expressly forbidden, they are not forbidden at all; but in case that other degrees of equal distance and reason were there forbidden, though not expressed, yet this of cousins-german is not, by any consequence or intimation of that, forbidden, because no degree is there forbidden which can involve this, but it hath a special case of its own, in which this is not at all concerned, and all this I strengthened with examples greater than all exception.

It remains now that we descend to the Christian law, and inquire, whether our great master and lawgiver, Jesus Christ, hath forbidden cousins-german to marry? But this is soon at an end; for Christ spake nothing at all concerning marriage but one sentence which reduced it to the first state of nature, save only that he left us, in all things, bound by the laws of nations and our just superiors, of which two last I shall give account in the following periods. But of that which Christ said, the sum is this only: "For this cause shall a man leave father and mother and cleave to his wife, and they two shall be one flesh." By which words he did establish all that was natural and moral in this affair. "A man shall leave father and mother:"—by these words are forbidden the marriage of parents and children. "He shall cleave to his wife:"—by this is forbidden 'concubitus masculorum.' "His wife:"—by this is forbidden adultery or the lying with another man's wife, and extra-nuptial pollutions. "Erunt duo,"—"they two:"—by that is forbidden 'polygamy.' "In carnem unam,"—"shall be one flesh:"—by this is forbidden bestiality, or the abuse of 'caro aliena,' the flesh of several species; which are all the unlawful and unnatural lusts forbidden by God in the law of nature, and that which was afterwards given to all mankind, and inserted in the Levitical law as the consummation and main design of the other prohibitions, which were but like hedges and outer guards to these.

There is in the New Testament only one law more which can relate to this question of marriages: "Provide things honest in the sight of all men:" and "Follow after things

which are of good report;" that is, whatsoever is against public honesty, the law of nations, the common sense of mankind, that is not to be done by Christians, though of the instance there be no special prohibition in the laws of Jesus Christ; and Modestinus the lawyer said well, "In nuptiis non solum quod liceat, sed etiam quod honestum sit, semper est respiciendum." Concerning which, lest there be a mistake in it, I premise this caution in general, that we do not take false or weak estimates of public fame and honesty. Nothing but the laws of God and men, or the universal sentence of that part of mankind with whom we any ways converse, is the measure of public honesty. Thus for a bishop to ride a hunting in his pontificals, or for a priest to keep an alehouse, is against public honesty: of the same nature are, for a woman to paint her face, or to go in man's apparel. But—when a thing is disputed on both sides by good and learned men, to do either is not against public honesty:—that is a certain rule; for when a thing is called good and honest by wise and good men, the question is divided, and therefore cannot be united against either of them. Upon this account St. Paul reproved the incestuous Corinthian, because he had done a fact which was not so much as named, that is, approved amongst the Gentiles, that "one should have his father's wife." Caracalla indeed did it afterwards; and it was, before his time, done in the family of Seleucus; but these were insolent examples, ever disallowed by the Romans and all the nations within their circuit: and consequently the Greeks had, long before St. Paul's time, been more restrained in their too great licentiousness of marriages. And when the custom of this thing had procured a license for it amongst the Scots, St. Margaret, wife to Malcolm III. their king, did reduce the contrary law of nations, and forbade a son to marry his father's wife, or a brother to marry his brother's widow.

Beyond this the New Testament having nothing, if we reduce this to the present question, we must consider whether the marriage of cousins-german be against public honesty or good report, that is, whether it be condemned by the law of nations and the prevailing sentences or practice of wise men.

Concerning this, I find that Plutarch, speaking of the ancient laws and usages of the Romans in marrying their kindred, says, It was a practice before it was a law: and

there happened to be a case of a good man who had a great advantage by marrying his cousin-german: upon occasion of which the people made a law that it should be permitted to any one to do it, ψηφισάμενος πᾶσιν ἐξεῖναι γαμεῖν ἄχρις ἀνεψιῶν, τὰ δὲ ἀνωτέρω κεκωλύσθαι. Now this was very ancient; and before this law for it I find no law against it; only if Claudius in Tacitus said true, they were 'diu ignorata,' no notice of them, or but seldom examples. Concerning which discourse, though men are pleased to talk as serves their turns, yet it is very certain that the elder the times were, the more liberty there was of marrying their kindred. However, there was an early law for it and none against it, that I find; and when it began to be considered, "tempore addito percrebuerunt," said Tacitus[m], "they in time grew frequent." In the oration of Sp. Ligustinus[n], in Livy, there is this clause, "Pater mihi uxorem fratris sui filiam dedit:"—"My father gave me to wife his own brother's daughter:"—and Quintilian, mourning for the immature death of his son, affirms that 'he was designed to be son-in-law to his uncle.' So Cicero[o] says that his sister married Melinus, his cousin-german: and Augustus Cæsar gave his daughter Julia to Marcellus, the son of his sister Octavia. The brave Brutus, who was the example of a rare moral man and a noble patriot, was married to Portia, the daughter of his wife's uncle, Cato; and that incomparable prince, Marcus Antoninus, the philosopher and emperor, was married to his nearest cousin, Annia Faustina; she was his cousin-german. But thus it was at the beginning; and thus it was at the ending of the Roman state and empire. At the beginning; the two daughters of Servius Tullius were married to their cousins-german, Lucius and Aruns, the nephews of Priscus Tarquinius. Livy[p] indeed says, It was not certain whether these young gentlemen were uncles or cousins-german to their wives; that is, whether they were sons or nephews to Tarquinius Priscus; but Dionysius Halicarnasseus contends earnestly that they were nephews. Toward the declination of the Roman period and state, we find that Constantius, the emperor, gave his sister to her cousin, Julianus.

[m] Annal. xii. c. 6. Ruperti, p. 293.
[n] Lib. ii. c. 34. Ruperti, vol. iv. p. 79.
[o] Pro Cluentio, c. 5. Wetzel, p. 49.
[p] Lib. i. c. 46.

These, and all the foregoing examples of the wisest, of the best, of the most holy persons, patriarchs, and kings, consuls and philosophers, lawgivers and saints; the practice and customs of the greatest and most civil nations, are infinitely sufficient to dash in pieces this weak pretence (if any should make use of it), that the marriage of cousins-german is against public honesty, and so consequently not of good report: for that which God never forbade, but sometimes did actually command,—which the patriarchs did practise,—which the church of the Jews never scrupled at, but always were accustomed to it,—which wise men and good men have done without reproof,—which was admitted by the law of nations, and is no where contradicted in Scripture, which records many authentic precedents of such marriages,—in all reason ought to be of good report. And certainly nothing hath done dishonour and so lessened the fame and good opinion of such marriages, as the very making a question concerning its lawfulness, and making a scruple even after the question is well determined. To be suspected, lessens the fame of any man or any thing. The doing justice to this article will do it reputation enough.

If we now shall inquire how the civil law of the Romans did determine of these marriages, we shall be helped much in the cure of the former fear. For if the law of the Romans allowed it, that law which had so many brave and wise composers, and which so many nations allowed of and practised, and still do in very many kingdoms and republics, we have no reason to think it can be of ill report. But concerning this the matter is not very disputable, it is notorious that the civil law did allow it[q]. Paulus the lawyer said[r]; "Si nepotem ex filio et neptem ex altero filio in potestate habeam, nuptias inter eos me solo autore contrahi posse Pomponius scribit, et verum est:" and Antonius the emperor said, "Non videri potest sub specie turpium nuptiarum viduitatem tibi induxisse, cum te filio sororis suæ consobrino tuo, probabili consilio, matrimonio jungere voluerit:" I need in this say no more. It was always permitted in the Greek and Roman

q Lib. i. sect. duorum inst. de nupt. lib. iii. et lib. non solum. sect. i. D. de ritu nup. lib. C. de instit. et subst.

r Lib. si Nepot. iii. D. de rit. nupt. Lib. conditioni. ii. C. de institut. et subst.

laws, till the time of Theodosius, who being overruled by St. Ambrose, forbade it by an express law; "tantum pudori tribuens continentiæ, ut consobrinorum nuptias vetuerit tanquam sororum," said Aurelius Victor; he thought it more nice and modest if he should enlarge the laws, and restrain what was not restrained before: but in this as it arose suddenly, so as suddenly it was extinguished; for it was abrogated by Arcadius and Honorius's sons, whose constitution to this purpose is in Justinian [s], in which these words are remarkable, "Revocata prisci juris autoritate, restinctisque calumniarum fomentis, matrimonium inter consobrinos habeatur:" "The law that forbade them was occasioned and fomented by calumnies; which being dispersed, the authority of the ancient laws was recalled."

This I am to admonish; that in the Theodosian code the law of these emperors seems to say otherwise, as is to be seen under the title of Si nuptiæ ex rescript. petant: et de incestis nuptiis. But the forgery is notorious enough. For when Alaric, king of the Goths, had commanded his subject Arrianus the lawyer to make a breviary of the code, he fitted those laws to the customs of his own country, and so abused the laws of Arcadius and Honorius, as appears plainly by comparing those constitutions which passed under the fingers of Arrianus, with those which under the same rubrics are in the code of Justinian. For in this there is not one word spoken of the marriage of cousins-german under those titles. And as he hath done in the breviary of the Theodosian code, so hath he done in the epitome of Caius' institutions (he, or some such fellow as bad), and made the civil law as he pleased expressly against the known sanction of all the old law of the braver Romans. The same also was done by Theophilus, who recited this law according to the manners of his own time, and recites the law of Justinian exactly contrary to Justinian's sense by clapping a perfect negative to his direct affirmative. But Curtius, the Latin interpreter of Theophilus, hath set it right again according to the true intent of the civil law. But, it may be, I do not well to trouble the question with these little things, when the great lines of duty are so plain and legible: and concerning this we have a full

[s] Lib. celebrandis C. de Nuptiis.

testimony from St. Austin[t]; who having observed that in his time cousins-german did not often marry: "Experti sumus (says he) in conjugiis consobrinorum etiam nostris temporibus ..... quam raro per mores fiebat, quod fieri per leges licebat, quia id nec Divina prohibuit, et nondum prohibuerat lex humana." That is, 'for cousins-german to marry was neither prohibited by the laws of God nor man;' and so we have a testimony beyond exception concerning the civil law, and the law of God, and the law of the church, till his time. St. Ambrose and Theodosius, a little before that time, had caused some restraint and made the matter uneasy: and besides this; if any man could observe concerning any one sort of persons how seldom they marry, that is, how few examples any one man can observe of any degree, though never so distant, this will appear but light, as the dew upon a flower, or the down of a thistle. It is lawful for a father and his son to marry a widow and her daughter; and for two brothers to marry two sisters; and no man questions any thing of it; but "quam raro hoc per mores fiat;" how many examples can any one man reckon? Can he tell so many in one age and of his own notice, as to make them up a multitude? and yet this would be but a weak argument against it; and not worth a further consideration.

That which is to be inquired next into, is the canon law; and that indeed does forbid it: but how, and to what purpose, and with what obligation, will not be wholly useless to consider.

1. In the very first canons of the church (excepting only that one framed in the council of Jerusalem[u]), which are commonly called the canons of the apostles, there is a caution against incestuous marriages, but the instances are only, "He that marries two sisters, or his brother's widow or daughter;"—the penalty is, "He may not be received into holy orders:" but for the matter of cousins-german, it was not forbidden until St. Austin's time; and thereabouts, it was true, that "Nondum prohibuerat lex humana, Divina nunquam;" "God's law had never, and till then man's law had not, forbidden it;"—that is, it was then in all senses lawful: and in the synod of Paris, almost six hundred years

[t] Lib. xv. c. 16. de civit Dei. [u] Acts, xv.

after Christ, those are defined to be unlawful marriages, "quæ contra præceptum Domini contrahuntur," "which are against the divine law;"—none else; amongst which the present case is not to be suspected: and in the old canons of the church, all the prohibited instances were comprised in these verses, which was their authentic table:

> Nata, soror, neptis, matertera, fratris et uxor,
> Et patris conjux, mater, privigna, noverca,
> Uxorisque soror, privigni nata, nurusque,
> Atque soror patris, conjungi lege vetantur *.

But in some assemblies of the bishops, about this time, a little before or a little after, the manners of the nations being spoiled with wars, rudeness, and barbarism, they contracted incestuous marriages: and it was, therefore, thought fit, that, as the marriages of uncles and nieces were forbidden, as a hedge to keep them farther off from father and mother, son or daughter,—so this of cousins-german was set as a προφυλακή, or an 'outward court,' to keep them from marrying brother and sister. And therefore Harmenopulus says, they were forbidden by the laws of the Greeks. And it was amongst them no more than was highly needful, for a reason, which every one knows. But both there, and in the Latin church, when the prohibition of cousins' marriage is joined in the same decree with the marrying of sisters, the cause is rendered too suspicious. And yet there was an external cause, that had influence upon these sanctions of the church. The Goths then prevailed by the sword,—and the church, to comply with the conqueror, was forward to receive this law from them: for the Goths had it before the Romans, and it is very probable that those barbarous people were the great precedents and introducers of the prohibition.

2. These laws were made by time and accidents, and were extended or contracted as it pleased the popes of Rome, who (as one observes,) were, for a long time, "iniquiores et invidi in maritos," apt and easy to make all restraints upon marriages. If it were seasonable and fit, it were not useless to observe many instances out of the canon law to this purpose. But I forbear; that which I now observe, is, that the prohibition amongst them began with cousins-german; then it

* C. 1. Extr. de Restit. Sponsal.

went to the third and fourth degrees; then to seven; then to four again; sometime to six, as in the synod at Cabaillon; sometimes "usque dum generatio agnoscitur, aut memoria retinetur," "as long as any memory of kindred remains;"—and that will be very far in Wales, where they reckon eight degrees and special names of kindred after cousins-german, and then kin for ever: and truly these canonists [y] proceed as reasonably as their principles would admit. For if cognation or consanguinity was the hinderance of marriage, wherever they could reckon that, they had some pretence to forbid marriage: but if they only forbade it upon the accounts of nature, or by the precedent of the Divine law given to Moses, they were to stop there where natutre stopped, or the Divine law. But that they would not, as knowing it to be an easy thing to make laws at the charge of other men's trouble.

3. The reasons why the projectors of the canon law did forbid to the fourth or to the seventh degree, were as fit a cover for this dish as could be imagined. They that were for four, gave this grave reason for it: 'There are four humours in the body of a man, to which, besides the four degrees of consanguinity do answer, it is proportionable to nature to forbid the marriage of cousins to the fourth degree.' Nay more; 'there are four elements;' ergo, to which it may be added, that there are upon a man's hand four fingers and a thumb. The thumb is the 'stirps' or common parent; and to the end of the four fingers, that is the four generations of kindred, we ought not to marry, because "the life of man is but a span long."—There are also four quarters of the world; and indeed so there are of every thing in it, if we please, and therefore abstain at least till the fourth degree be past. Others who are graver and wiser (particularly Bonaventure), observe cunningly, that 'besides the four humours of the body, there are three faculties of the soul, which being joined together, make seven, and they point out to us that men are to abstain till the seventh generation.' These reasons, such as they are, they therefore were content withal, because they had no better: yet upon the strength of these they were bold, even against the sense of almost all mankind, to forbid these degrees to marry.

[y] Concil. Tolet. 2. c. 5. Concil. Worm.

4. When the canonists appointed what degrees of kindred they would have restrained from mutual marriage, they took their precedent and measure from the civil law, making this their standard, that so long as by the civil law inheritances did descend, so long by the canon law it should not be permitted to kindred to marry: and upon this account they forbade marriage to the seventh degree, because so far the laws appointed inheritances to descend. Now that this is a weak and a false ground, appears, because inheritances descend even to the tenth degree: and yet suppose it otherwise, yet the Popes and other compilers of the canons overshoot their mark extremely: because, while they, forbidding marriages to the seventh degree, pretended to follow some proportions and usages of the civil law, do yet reckon the degrees otherwise than the civil law does, and consequently do forbid marriage to the fifteenth civil degree exclusively. For whereas by the canon law so far as either of the persons is distant from the common parent, so far is he distant from the other in the equal line; so that, by this computation, cousins-german are distant in the second degree, and no more: by the civil law there are accounted so many degrees as there are persons besides the common parent, so that, in this computation, cousins-german are distant in the fourth degree; and consequently, the seventh canonical degree is the fourteenth civil degree, the unequalness and unreasonableness of which, all lawyers will deride. The same is, in proportion, to be said of their later reduction of the canonical prohibition to the fourth degree inclusively.

5. These laws, gathered by the Roman canonists, are not now, nor ever were they, obligatory but by the consent of the people, and the allowances of princes. For bishops, in their mere spiritual impresses, have no proper legislative power, where princes are Christian: and, if the prince please, he may enlarge or restrain their power, so that he make no intrenchment on the Divine law, and do what is useful and profitable. 'Fac legi tuæ sepem,' said the Jews; 'it makes the law firm if you put a hedge about it;' and where viler people, who had no fear of God, were apt to marry sisters or aunts, it was not ill to prohibit something that was lawful, lest they should run into what is unlawful. But this is matter of prudence only, and ought to be separated from the

question of lawful or unlawful. But then when the prince does not bind, the subjects are free. "Honesta et justa esse quæ regi placent, et regno utilia:" "Those things which please the king and are profitable to the kingdom, are honest and just." It was truly said, but ill applied, by Antiochus Seleucus.

6. These laws are neither allowed by the prince, nor by the ecclesiastical state in England; and because they were useless and burthensome, they were laid aside; for they were but drains for money, and levies of rents; for, even under the pope, the way was, and is now, open enough to cousins-german, if they have gold enough to purchase the lead. And so it was, when the civil law was tuned to the air of the canon law, and both to the manners of the Goths. Cousins might marry with a dispensation from the prince; a form of which is to be seen in Cassiodore [z]. But this is one of the many blessings of the protestant religion, that we are not tied to pay money for leave to do a lawful action; so that as the Jews were wont to say, 'He that hath married a wife that is too near of kindred, let him turn proselyte, and then she is not of kin to him,' I may in some sense use in the contest between our laws and those of the Roman churches: 'he that hath, or desires to marry, a wife of his kindred which is not too near by God's law, but is by the pope's law,—let him become a protestant, and then though nothing can be allowed to him which God hath forbidden, yet that leave which God hath given him, man shall not take away.'

7. If it were at all considerable what is done by the canon law, there is a new device brought in of spiritual kindred: and marriages forbidden to be between such as answer at the font for the same child: that is, if we value the Roman canons, all mankind are in perpetual snare, and that to no purpose.

8. But as for the present inquiry, it is considerable that the canon law itself does not pretend to be against the Divine law, but does it wholly upon other accounts, as I have already instanced; and this appears in the epistle of Rabanus to cardinal Humbert: "Quod pontifices usque ad sextum vel septimum gradum conjugium prohibent, magis ex

[z] Lib. vii. variatum.

consuetudine humana quam ex lege Divina eos præcepisse credendum." The canons did not intend to signify it to be against the law of God for cousins to marry in the degrees forbidden by the canon law.

9. And, after all, the laws of England do expressly allow it; as is to be seen in the tables of marriage set up in churches usually, and in the statute of 32d of Henry VIII. chap. 38. And it is observable, that, in England, they were allowed to do it ever since they were Christians, unless they were papists. For till pope Gregory's time, and Austin the monk (though Christianity had been here almost five hundred years before), it was used by the Britons: and pope Gregory did not think it fit, that Austin should put a restraint upon them (as is to be seen in the British Councils collected by that learned and good man, sir Henry Spelman); but it was no little interest and power, which the popes afterwards procured in the families of princes and other great personages, by giving leave to them to marry their near relatives; and their posterity, for their own sakes, would, in all likelihood, preserve that power, to which (as things then went) they did owe their legitimation.

Although I have passed through all laws that can oblige us, in this present inquiry,—yet because the chief disquisition is concerning the natural law, and whether or no any prohibition can from thence descend upon the marriage of cousins-german, is the main question; it will be proper here to add one topic more, that is, the prudence or reasonableness of the thing.

Concerning which it is observable, that whosoever shall go about to assign the proper reasons why certain degrees are forbidden to marry by the law of God, will, by experience, find it to be too hard for his head: and Rabbi Menahen Racanatensis observed, "Quod ad rationem attinet interdictorum incesti, magistri traditionum de ea nihil certi acceperunt:" "The masters of traditions have received no certain account of those reasons, for which God forbade incestuous mixtures." Indeed, if we could find out the prime and proper reasons, then, by proportions to it, we could better understand how far the prohibitions were to be extended. But this is to be despaired of. But yet men

have ventured to give such reasons as they could,—which how far they are applicable to the present question, shall be considered.

1. That kindred ought not to marry is, therefore, decreed, "ne æmulatio fiat in eadem domo," says one. The same degree of kindred will be apt to love the same man, and so emulation will arise. Well, suppose that: but if it does, the marrying one of them will determine all the rest, and quiet the strife. But because this proves too much, it proves nothing at all. For upon the same account, a young man should not marry in a family where there are many daughters, "ne æmulatio fiat in eadem domo," "to avoid emulation and competition."

2. Cousins would do better not to marry, says another[a], "ne habeat duas necessitudines una persona," "that one person may not be a double relative:" for so names will be confounded, and the same person shall be father and cousin to his own child. But what if he be? and what if a king be both a lord over, and a son under, his own mother? What if a man be a father and a judge, a brother in law and a natural brother, as when two brothers marry two sisters? The more relations and necessitudes there are, it is so much the better, and a twofold cord is not easily broken.

3. It were well that cousins might not marry, that by their kindred they might be defended from the injury of their husbands, in case they should need it.—Well, suppose this too: yet, 1. This does not at all concern the man; for he will not need a defence by his kindred against his wife. 2. For the woman, unless she marries all her kindred, the other may be a defence against the violence of one whom she does marry; and will be more likely to prevail in the defence against a kinsman, than against a stranger. 3. But if a woman be brought to that pass, her cousin shall do her little advantage against her husband; for such defences do but exasperate and make eternal animosities: but the laws are the best defences. 4. If the cousin will be a sure defence against the husband's injury; then if the cousin be married to her, he will be sure to do her no injury. For he that will do evil himself, is but an ill security to be engaged against

[a] Cicero de Fin.

another; and he that will prevaricate in the duty of a husband, will hardly secure the peace of the woman by the duty of a kinsman.

4. St. Austin's scruple is this: "Inest nescio quomodo humanæ verecundiæ quiddam naturale ac laudabile, ut cui debet causa propinquitatis verecundum honorem ab ea contineat quamvis generatricem tamen libidinem:" "There is, in the modesty of mankind, something that is natural and laudable; by which they abstain from congression with them, to whom they owe the honour of reverence and modest bashfulness." This, indeed, is a good account, where the modesty of nature does really make restraints and owes duty and reverence: and, therefore, is one of the most proper and natural reasons against the marriage of parents and children, and is, by the allowance of some proportions, extended to brother and sister: but if it be sent out one step further, you can never stop it more, but it shall go as far as any man please to fancy: therefore let it stop, where God and nature hath fixed its first bounds; and let not the pretence of a natural reason or instinct, carry us whither nature never did intend; for it is certain she gave larger commissions, however the fears, or the scruples, or the interest of some men have made them to speak otherwise: and I remember, concerning Cicero, who sometimes speaks against the marriage of cousins, that it is but too reasonable to suppose he did it to remove suspicion from himself; it having been objected against him, by Q. Fusius Calenus, in Dio [b], that he was too kind and amorous to his own daughter: "Filia matris pellex tibi jucundior atque obsequentior quam parenti par est;" so unequal, so uncertain a way it is to trust the sayings of a man, when so frequently the man's opinion is not caused by his reason, but by a secret interest.

5. Pope Gregory, in his epistle to the archbishop of Canterbury, tries another way: "Experimento didicimus ex tali conjugio sobolem non posse succrescere:" "If cousins-german marry, they will have no children." But the good man did not remember, that the whole nation of the Jews came from the marriage of the two cousins-german of Jacob, Rachael, and Leah: and although, by this discourse, it seems

[b] Lib. xlvi.

it was a usual practice to do it; for from the practice only, he could pretend to an observation of this event; yet as to the event of the thing itself, it is a very great experience which the world hath, by which his observation is confuted.

6. But the best reason given against the convenience of it, for none pretends higher, is, that it were better if cousins-german should not intermarry "propter multiplicandas affinitates," as St. Austin expresses it, "ut conjugiis augeant necessitudines," "that so they might scatter friendships and relations in more families for the dissemination and extension of charity."—For cousins being already united and loving, it were well by marriage to endear others which are not so loving, not so united. Of this every one makes use that is pleased to dissuade these marriages. But to this I answer, I. That suppose this were well, and without objection as to the material part, yet this does no ways prove it unlawful, and indeed is not, by the contrivers of it, intended it should; as appears in Philo and Plutarch, from whom St. Chrysostom and St. Austin did borrow it. 2. There may be one inconvenience in it, and yet many conveniences and advantages, which may outweigh that one; and that there are so, will appear in the sequel. 3. This very reason, when Philo, the Jew, had urged in general, for the scattering friendships, and not limiting alliances to one family, he adds, "Quod respiciens Moyses alias etiam multas propinquorum nuptias vetuit:" meaning, that this argument is sufficiently provided for by the restraints that Moses made,—and if we marry out of those limits, the friendship is enough scattered. For beyond brother and sister, uncles and nieces, the relation is far enough off to be receptive of, and to need the renovation or the arrests of friendship.

7. It were well if cousins-german did not marry, lest, by reason of their usual familiarity, converse, and natural kindness, fornications should be secretly procured; it being too ready for natural love to degenerate into lust.—I answer, that therefore let them marry as the remedy. For it were a hard thing that cousins, who do converse and are apt to love, should, by men, be forbidden to marry when by God they are not. For this aptness to love being left upon them, together with their frequent conversation, is a snare; which because God knew, he permitted them to their remedy; and

if men do not, they will find that their prohibition of marriage will not be sufficient security against fornication. For brothers and sisters, where the danger is still greater, God hath put a bar of positive law, and nature hath put the bar of a natural reason and congruity, and the laws of all mankind have put a bar of public honesty and penalties, and all these are sufficient to secure them against the temptation; and this was observed by a wise man[c] long since in this very instance: *αὐτίκα οὐχ ἑρᾷ ἀδελφὸς ἀδελφῆς, ἄλλος δὲ ταύτης· οὐδὲ πατὴρ θυγατρὸς, ἄλλος δὲ ταύτης·* "The father is not in love with the daughter; nor a brother with his sister:" the reason is, *καὶ γὰρ φόβος καὶ νόμος ἱκανὸς ἔρωτα κωλύειν,* "fear and the laws are restraint enough for this love:" but because to cousins this bar is not set, the greater propensity they have to love, the more need there is they should be permitted to marry. And this very thing was observed by Rabanus, in his epistle to Humbert. "Hujusmodi prohibitiones adulterii occasionem præbere;" "such laws of restraint are occasions of adultery;" and, therefore, he infers from thence, "Bonum esse ut, prætermissis illis prohibitionibus, legis divinæ servetur constitutio."—It were good, if standing in the measures of the divine law, we should lay a snare for no man's foot by putting fetters upon his liberty, without just cause, but not without great danger.

I know of no more reasons pretended against this affair; I think these are all; and, I am sure, they are the most considerable. But then on the other side, although it were hard to require any more reason for the marriage of cousins-german, than we do for any other marriage, that is, that we love the person, that she be virtuous and fitted for our condition, yet I say 'ex abundanti,' that there are conveniences and advantages which are not contemptible, nor yet are so readily to be found in the marriage of other persons.

1. There is the advantage of a great and most perfect parity of condition, that is regularly to be expected. There is no upbraiding of kindred, greatness or weakness of fortune occasioned by the difference of elder or younger brothers,

[c] Xenoph. Cyrop. lib. v. c. 1. sec. 10. Schneider, p. 314.

(for this being in all families, is not a reproach to any); and here is the greatest probability of a similitude of passions, humours, and affections; and they that have experience in economical affairs, know that these things are not contemptible.

2. It is observable, that, when God intended to bless a family and a nation, there he permitted, and, in some cases, commanded, the marriage of cousins-german, as in the families of Israel. And although it was lawful for one tribe to marry into another, as appears in David, who married Michal, Saul's daughter, of the tribe of Benjamin; and the Benjamitish families were restored by the intermarriages of the other tribes, after that sad war about the Levite's concubine; and Hillel, the Pharisee, was of the tribe of Benjamin by his father, and of Judah by his mother;—yet this was done so seldom, that it was almost thought not lawful; but the most general practice was to marry in their own nearer kindred, in their own tribe.

3. In the case of the ἐπίκληροι, or 'heiresses,' it was commanded, both in the Hebrew and in the Attic laws, that cousins-german should marry, lest the inheritance should go from the family, of which I have already given an account; but now I only observe the reasonableness and advantage. St. Austin's "largius sparge amicitias" is nothing; for when any considerable advantage is to be done, certainly our own are to be preferred before strangers. And the same also is true in proportion, when any one of the family is, passionately and to pious purposes, in love with his cousin.

4. In the case of an aunt's daughter to be married to her cousin by her mother's brother, there is this advantage to be gotten to the female side; she preserves her father's name in her own issue, which she had lost in her own person and marriage.

5. In the accidents of household conversation, and in the satieties of a husband's love, the stock of kindred comes in by way of auxiliary forces, to establish a declining or tempted love: and they understood this well, who made it an objection against the marriage of kindred, lest the love, being upon two accounts, should be too violent,—as Aristotle, in the second book of his Politics, seems to intimate. But I

suppose that they who are concerned in such marriages, will not fear the objection; but they have reason to value the advantage.

——— pietas geminato crescit amore [d].

While the marital love is supported with the cognation.

6. St. Austin's[e] argument is to me highly considerable: "Fuit antiquis patribus religiosæ curæ, ne ipsa propinquitas se paulatim propaginum ordinibus dirimens longius abiret, et propinquitas esse desisteret, eam nondum longe positam rursus matrimonii vinculo colligare, et quodammodo renovare fugientem?"—"The dearness of kindred will quickly wear out, and cousins will too soon grow strangers, therefore the patriarchs had a religious care to recall the propinquity which was dividing and separating too fast; and as it were, to bind it by the ties of marriage, and recall it when it was flying away." And indeed there is no greater stability to a family, no greater band to conjugal affections than the marriage of cousins.

I should now speak no more to this question, but that I have often met with a trifling objection, concerning which I could never find any reasonable pretence, or ground of probability to warrant it: 'Second cousins may not marry, but are expressly forbidden; therefore, much rather first cousins, though they be not named.'—To this I answer, that I never knew the marriage of second cousins forbidden, but by them who at the same time forbade the marriage of the first; and indeed I have searched and cannot fix my eye upon any thing, that I can imagine to be the ground of the fancy: therefore, I can say no more to it; but that the law of God does not forbid either, nor the laws of our church or state, nor the laws of nature or nations, or right reason, but these marriages have advantages in all these. And we find that Isaac married his second cousin, and that was more for it than ever could be said against it. Abraham was careful, and Rebeccah was careful that their children, respectively, should marry within their own kindred: for it was so designed, because those families were to be greatly and specially

[d] Ovid. M. x. 333. Gierig. vol. ii. p. 100.
[e] Lib. xv. c. 16. de civit. Dei.

blessed; and they called one another into the participation of it. I conclude this question with as much warranty to the marriage of cousins-german, as can derive from the premises; they may without scruple own it, and say,

Viderit amplexus aliquis, laudabimur ambo.

I know no other pretences of any instance obliging Christians derived only from the judicial law. These two do not oblige; and, therefore, the rule is true in its direct affirmation.

RULE IV.

The Ten Commandments of Moses, commonly called the Moral Law, is not a perfect Digest of the Law of Nature.

The Jews in their Cabala say, that the law of God was made before the creation of the world two thousand years, and written in black burnt letters on the backside of a bright shining fire; according to that of David, "Thy word is a lantern unto my feet, and a light unto my path."—Their meaning is (for under fantastic expressions they sometimes intended to represent a material truth), that the decalogue, or their system of moral precepts, was nothing but an express of the tables of the law of nature; long before Moses' time given and practised by their fathers. But this was not a perfect system; it was the best that ever was since Adam broke the tables of the natural law, and let sin and weak principles into the world; and it was sufficient in the present constitution of the world; but even this also was but like "a pædagogue to bring us to Christ." In the schools of Moses they practised the first rudiments of perfection; but Christ was the last, and therefore the most perfect, lawgiver; and they that did commence under Moses, the servant of God, were to proceed under Jesus Christ the Son of God: and, therefore, the apostle[a] calls Christ τέλος τοῦ νόμου: and if we will acknowledge Christ to be our lawgiver, and the Gospel

[a] Rom. vii. 14.

to be his law, called in the New Testament, "the law of liberty," "a royal law;" then we must expect that our duty shall be further extended than to a conformity in our lives to the ten words of Moses.

I do not here intend to dispute, whether Christ hath given us laws, of which, neither before Moses nor since, there are any footsteps in the Old Testament; for I think there are none such, but in the letter or in the analogy they were taught and recommended before: but this I say; that some excellencies and perfections of morality were by Christ superadded in the very instances of the decalogue; these also were bound upon us with greater severity, are endeared to us by special promises; and we, by proper aids, are enabled to their performance; and the old commandments are explicated by new commentaries, and are made to be laws in new instances to which by Moses they are not obliged; and some of those excellent sayings which are respersed in the Old Testament, and which are the dawnings of the evangelical light, are now part of that body of light which derives from the Sun of righteousness: insomuch that a commandment which was given of old, was given again in new manner, and to new purposes, and in more eminent degrees; and, therefore, is also called a new commandment. Thus the conversation evangelical[b] is called 'an old commandment' and 'a new one.' So that in the whole this will amount to the same thing, as if they were new commandments. I will not, therefore, trouble this article with those artificial nothings; or endeavour to force any man to say Christ hath given us new commandments; but this I suppose to be very evident: that we are by Jesus Christ obliged to do many things, to which the law of Moses did not oblige the sons of Israel: but whether this was by a new imposition, or a new explication of the old, it matters not, save that some men will be humoured in their own manner of speaking.

I give an instance; the Christians are obliged to love their brethren, and their neighbours; the Jews were so too: but Christ commanded us to love those, whom the Jews did not call brethren or neighbours: even all that have the

[b] 1 John, ii. 7, 8.

same nature, even all that are in calamity. For to the question asked by the Pharisees, 'and who is our neighbour?'—Christ answered by the parable of him that fell among the thieves: he that is in need, is our neighbour.—The Jews understood this to mean nothing but one of the same nation or religion; the rest they hated. Here then is a new duty; to which the Jews, in the same latitude and in the same expressions, were not bound by the decalogue; and this is as much as a new commandment: for it is new to me, if it imposes a new duty. So if God forbids incest, and by it only means the conjunction of parents and children,—if afterwards he commands us to abstain from brother and sister, uncles and aunts; this is a new law under the old words. The Jews[c] might hate their enemies; but Christians have none, that is, they have none whom they are to repute such by a legal account. The seven nations in Palestine were, legally and properly, to be accounted enemies; but to Christians all are to be esteemed as brethren in some account or other; οὐδεὶς ἐχθρὸς τῷ σπουδαίῳ, "To a good man no man is enemy[d]:" so that by alteration of the subject matter, the old law is become new, that is, we have a new law. "Lex vetus amorem docet in proximos, nova in extraneos[e];" "The old law teaches love to neighbours, the new to strangers:" that is, to such whom the Jews called so; but yet the Christians are to treat as neighbours. For that is a duty to us, which was not so to them; and we may perish for omitting that, to which they were not obliged so much as under the pain of a legal impurity.

But not only in the object of our duty, but in the expression and signification of action, Christ is a new lawgiver. They and we are bound to love our brethren; but the precept of love did not bind them to what we are bound: we must die[f] for our brethren; and of this we have an express commandment, which, it is certain, they had not; and no sign of it in their moral law. And it is not the same words, but the same intention of duty that makes the same law. The Jews were bound to love their wives; but an easiness of divorce did consist with that duty exacted by that law, but

[c] Levit. xix. 18.
[d] Hierocles, Needham, page 56, line 11. a sum. pag.
[e] Tertull.
[f] 1 John, iii. 16. John, xv. 12, 13.

it will not do so in ours. Now as, in moral actions, a degree alters the kind,—so it is in laws; for every new degree of duty that is required, supposes a new authority or a new sanction to infer it; for the same law does not in one age directly permit an action, and in another forbid it; it does not reward in that person, which in another, it will condemn.

But I add other instances. If repentance be a precept, and not only a privilege; it is certain, that, in the Gospel, there is a precept which was not permitted, much less enjoined; for this obedience supposes Christ to be our Redeemer in nature, before he is our lawgiver; and, therefore, that it could be no part of their moral law. But repentance is not, properly and primarily, a law of nature; for though it was the first action of religion that, we find, was done in the world;—yet it is such a one, as supposes nature lapsed; and therefore at the most can be but adopted into the law of nature: but yet because it is as much a part of the law of nature, as restitution is a part of natural justice, this instance is not, altogether, an improper illustration of this rule.

But there are also many things, for which provisions are made in the law of nature; for which there is no caution in the decalogue. I instance in the matter of incest; and if any man will reduce it to the fifth commandment, it is certain he must then suppose, only the mixture of parents and children to be, and that of brother and sister not to be, incestuous; for these cannot come under the title of father and mother; and if it be referred to the seventh commandment, it will be as improper as to suppose jeering to be forbidden in the sixth. I could add, that there being but two affirmative precepts in the decalogue, there is no caution against sins of omission in any other instances.

I will not instance in those precepts which relate to our blessed Lord himself, and are superinduced by Christianity upon the law of nature; such as are "faith in Jesus Christ,—hope of eternal life,—fraternal correption,—avoiding scandal,—custody of the tongue in many instances,—the sacraments,—to stand fast in Christian liberty,—searching the Scriptures,—humility,—mortification,—bearing the infirmities of the weak,"—and many more; all which proclaim Christ to be our lawgiver; but do not properly denote the

imperfection of the decalogue, as it is the system of the laws of nature.

But I add from this very stock of nature many others. For though by the decalogue we are forbidden to do evil, yet we are not commanded to do good: and that is a material consideration; and cannot by way of reduction be brought hither: because they are wholly different things, and are the effects of several reasons, and to be encouraged by distinct promises or immunities respectively, and are not consequent to each other. For the sons of Israel and all the world are bound to do evil to no man, but are not bound to do good to every man: the first is possible, the second is not: and the Jews never understood, that they were bound to give alms by the sixth commandment: and, in nature, the obligation to do good is upon a positive account; as the obligation itself is. Of the same nature is gratitude,—readiness to help a man in need,—to keep a secret intrusted to us,—to perform promises:—all of which are of greater concernment to mankind than to be intrusted only to analogies, uncertain inferences, and secret corollaries; and yet for these there is no provision made in the ten commandments.

Neither can this measure of the decalogue be reproved by saying, that ' all these laws of nature, and all the laws of Christ may be reduced to the decalogue.' I know it is said so very commonly, and the casuists do commonly use that method, that the explication of the decalogue be the sum of all their moral theology; but how insufficiently, the foregoing instances do sufficiently demonstrate; and therefore, how inartificially, will also appear in the violence and convulsions, that must needs be used to draw all these dissonances into one centre. I remember that Tertullian[g] (I suppose to try his wit) finds all the decalogue in the commandment, which God gave to Adam to abstain from the forbidden fruit: " In hac enim lege, Adæ data, omnia præcepta condita recognoscimus, quæ postea pullulaverunt data per Moysen."—And just so may all the laws of nature and of Christ be found in the decalogue, as the decalogue can be found in the precept given to Adam: but then also they

[g] Lib. adv. Jud.

might be found in the first commandment of the decalogue; and then what need had there been of ten? It is, therefore, more than probable, that this was intended as a digest of all those moral laws, in which God would expect and exact their obedience; leaving the perfection and consummation of all unto the time of the Gospel: God intending by several portions of the eternal or natural law to bring the world to that perfection from whence mankind by sin did fall; and by Christ to enlarge this natural law to a similitude and conformity to God himself, as far as our infirmities can bear. It was very well said of Tertullian [h], "Intelligimus Dei legem etiam ante Moysen; nec in Oreb tantum, aut in Sina et in Eremo primum, sed antiquiorem, primum in Paradiso, post patriarchis, atque ita ex Judæis certis temporibus reformatam: ut non jam ad Moysis legem ita attendamus, quasi ad principalem legem, sed ad subsequentem quam certo tempore Deus et gentibus exhibuit, et repromissam per prophetas in melius reformavit:" "The law of God was before Moses, neither given in Horeb nor in Sinai, in the wilderness, nor in the land, but first given in paradise; afterwards to the patriarchs, and then being reformed it was given to the Jews: so that we are not to look after Moses' law as the principal, but to the law that comes after the law of Moses, which being promised by the prophets, God, in the fulness of time, gave unto the Gentiles in the times of reformation."

The effects of this rule in order to conscience are these:

1. That we acknowledge Christ to be our lord and master, our lawgiver and our teacher.

2. That we understand the ten commandments according to his commentary.

3. That the customs, explications, glosses, and usages of the Jews may not be the limit of our practice.

4. That we expect not justification by our conformity to the decalogue.

5. That we endeavour to go on to perfection; not according to the pattern which Moses, but which Christ showed on the Mount.

6. That we do not reckon any system of the natural law, but the books of the New Testament.

h Lib. adv. Jud.

7. That we do not esteem it sufficient for us to live according to nature (as the expression is commonly used), but that we live according to grace, that is, the measures of reformed nature. For in this sense these words of Justin Martyr are true and useful, τὸ κατὰ φύσιν βιοῦν οὐδέπω πεπιστευκότος ἐστίν, "To live according to nature is the ornament or praise of one, that is yet an unbeliever:" meaning that the disciples of Jesus must do more. For according as the world grows in age, so also it is instructed in wise notices; and it must pass on to glory by all the measures and progressions of grace; and all that law by which we live in all the periods of the world, is nothing else but the several degrees and promotions of the law of nature. For children are governed by one measure and young men by another, and old men still by a more perfect; and yet the whole is nothing else but right reason drawn into laws, and that which fits our nature bound upon us by the decree of God: some laws fit our natures, as they are common to us and beasts: some fit us as we are next to angels; and some fit us as we are designed to immortality, and the fruition of God; and the laws of nature do grow as our natures do. And as we see it is in matters of speculation, those principles enter into us, or are drawn from their hidden places, in our age, of which we had no sign in our youth; and when we are children, we admire at those things, and call those discourses deep and excellent, which, when we are grown up, we are ashamed of as being ignorant and pitiful;—so it is in our manners, and so it is in our practical notices; they all grow, till they arrive at their state and period: but because the eternal laws of God,—that is, those laws which are not fitted to times, and persons, and relations, but to the nature of man, that is, to all mankind,—intend to bring us to God and to all that perfection of which we are capable; therefore it is that they also must increase according to the growth of nature: when therefore the nature of man was rude and in its infancy, God drew out of the eternal fountain but a few of these natural laws: but he still superadded more as the world did need them; and at the last, by his Son, who, by his incarnation, hath adorned our nature with a robe of glory, hath drawn out all those, by which we are to converse with God and men in the best and greatest intercourses: that he

might enable our nature to dispositions proper and immediate to a state of glory. Not but they all were potentially in the bowels of the great commandments; but that God did not, by any prophets or lawgivers, draw them all forth, till the great day of reformation, at the revelation of the Son of God. But in this the sentence of Irenæus is wise and full; "Consummata vitæ præcepta in utroque testamento cum sint eadem, eundem ostenderunt Deum, qui particularia quidem præcepta apta utrisque præceptis, sed eminentiora et summa, sine quibus salvari non potest, in utroque eadem suasit:" "The precepts of perfect life are the same in both Testaments, and do demonstrate the same God of both; who indeed hath given, severally, several instances of commandments; but the more eminent and the chief, without which salvation is not to be had, are the same in both:"—meaning, that there are the same general lines of religion, and of justice in the old and in the new; but the special and particular precepts are severally instanced by Christ and Moses.

RULE V.

All the Explications of the moral Law, which are found in the Prophets and other holy Writers of the Old Testament, are to be accounted as Parts of the moral Law, and equally obliging the Conscience.

He that will explicate the Mosaic law according to the perfections of the Gospel, does expound the words of a child by the senses and deepest policies of a witty man. I have seen some parts of Virgil changed into impure Fescennines; and I have also seen them changed into the sense and style of the Gospel; but Virgil intended neither, though his words were capable of both; and yet the way to understand Virgil is by the commentaries of men of his own time, or nation, or learned in the language and customs of the Romans. So it is in the decalogue of Moses. If Christians understand it by all the severities and enlarged notices of the Gospel, they accuse their own commentary as too large, or the practice of

[i] Lib. iv. c. 26. in princip.

the Jews, who never obeyed them at that rate; and therefore all those wild reductions of all good and bad to that measure is of no good use, but it is full of error, and may have some ill effects; of which I have already given caution: but then because they may be explicated and can admit a commentary, as all laws do beyond their letter; there is nothing more reasonable, than that the commentaries or additional explications of their own prophets and holy men, and the usages of their nation, be taken into the sacredness of the text and the limits of the commandment.

Thus when God had said, "Thou shalt do no murder;" when Moses, in another place, adds these words, "Thou shalt not hate thy brother in thy heart[a];" nor be mindful of an injury: this is to be supposed to be intended by God in the commandment; and to be a just commentary to the text, and therefore part of the moral law. When they were commanded to worship the God of Israel, and no other: this was to be understood according to David's commentary; and when he had composed forms of prayer to God, to pray to him was to be supposed to be a duty of the commandment. God commanded that they should 'honour father and mother,' which appellative when Moses and the holy writers of the Old Testament had given to princes and magistrates, and had, in another place, expressly commanded obedience to them, it is to be supposed that this is an explication of the fifth commandment.

This also is to be extended further, and by the sayings of the prophets they could understand what things were permitted by Moses, which yet God loved not: and that the commandment had a further purpose than their usages would endure: and though (as our blessed Lord afterward expressed) "Moses permitted divorces for the hardness of their heart,"—yet that "from the beginning it was not so," and that greater piety was intended in the commandment, they were sufficiently taught by the gloss, which God himself inserted and published by the prophet Hosea, "I hate putting away."—In this and all other cases, the natural reasonableness of things, natural justice, and essential piety, and the first institution of them, were the best indications of these

[a] Lev. xix. 17, 18.

effects which such sayings of the prophets and other holy men ought to have in the enlargement of the moral law, or restraint of privileges and liberties.

The use of this rule in order to the government of conscience is to describe of what usefulness in our religion, and what influence in our lives, is the Old Testament; all the moral precepts which are particulars of the natural law or universal reason, are either explications of the decalogue or precepts evangelical, by which the old prophets did 'prepare the way of our Lord, and make his paths straight.' It is the same religion, theirs and ours, as to the moral part: intending glory to the same God by the same principles of prime reason, differing only in the clarity and obscurity of the promises or motives of obedience, and in the particular instances of the general laws, and in the degrees of duties spiritual: but in both, God intended to bring mankind to eternal glories by religion or the spiritual worshippings of one God, by justice and sobriety, that is, by such ways as naturally we need for our natural and perfective being even in this world. Now, in these things, the prophets are preachers of righteousness, and we may refresh our souls at those rivulets springing from the wells of life, but we must fill and bathe ourselves 'in fontibus Salvatoris,' 'in the fountains of our blessed Saviour;' for he hath anointed our heads, prepared a table for us, and made our cup to overflow, and "of his fulness we have all received, grace for grace."

But this is, at no hand, to be extended to those prohibitions or reprehensions of their prevarications of any of the signal precepts of religion, by which, as themselves were distinguished from other nations, so God would be glorified in them. For sometimes the prophets represented the anger of God in a ceremonial instance: when either they sinned with a high hand in that instance, that is, with despite and contempt of the divine commandment, or when the ceremony had a mixture of morality, or when it was one of the distinctions of the nation, and a consignation of them to be the people of God. But this will be reduced to practice by the next rule.

RULE VI.

Every Thing in the Decalogue is not obligatory to Christians, is not a Portion of the moral or natural Law.

When Moses delivered the ten commandments to the people, he did not tell them in order which was second, which was fifth: and upon this account they have been severally divided, as men did please to fancy. I shall not clog these annotations with enumerating the several ways of dividing them; but that which relates to the present inquiry is, whether or no the prohibition of graven images be a portion of the first commandment; so as that nothing is intended, but that it be a part or explication of that: and that it contain in it only the duty of confessing one God, and entertaining no other deity, viz. so that images become not an idol, or the final object of our worship as a God; and therefore that images are only forbidden as 'Dii alieni,' not as the representations of this one God, and they are capable of any worship but that which is proper to God: or else it is a distinct commandment; and forbids the having, or making, and worshipping any images, with any kind of religious worship. These are the several effects, which are designed by the differing divisions of the first table; I will not now examine, whether they certainly follow from their premises and presuppositions; but consider what is right, and what follows from thence in order to the integrating 'the rule of conscience.' That those two first commandments are but one, was the doctrine of Philo the Jew (at least it is said so); who, making the preface to be a distinct commandment, reckons this to be the second; "Deos sculptiles non facies tibi, nec facies omne abominamentum solis et lunæ, nec omnium quæ sunt supra terram, nec eorum quæ repunt in aquis, ego sum Deus Dominus tuus zelotes," &c.— And the same was followed by Athanasius[a], "This book hath these ten commandments in tables; [the first is ἐγώ εἰμι Κύριος ὁ Θεός σου· δευτέραν, οὐ ποιήσεις σεαυτῷ εἴδωλον οὐδὲ παντὸς ὁμοίωμα. 'I am the Lord thy God:' the second, 'thou shalt not make

[a] Synop. Script. tom. ii.

an idol to thyself, nor the likeness of any thing:'" and this division was usual in St. Cyril's[b] time, who brings in Julian thus accounting them; "I am the Lord thy God which brought thee out of the land of Egypt: the second after this: 'Non erunt tibi Dii alieni præter me, non facies tibi simulachrum,'" &c. And the same way is followed by St. Jerome[c] and Hesychius[d]: these make the introduction to be one of the commandments: and those which we call the first and the second, to be the second only.

Of the same opinion, as to the uniting of these two, is Clemens Alexandrinus[e]; and St. Austin[f], "Et revera quod dictum est, 'non erunt tibi Dii alieni;' hoc ipsum perfectius explicatur, cum prohibentur colenda figmenta: "the prohibition of images is a more perfect explication of those words, 'Thou shalt have no other gods but me.'"—To the same sense Venerable Bede[g], St. Bernard[h], the ordinary gloss, Lyra, Hugo Cardinalis, Lombard, the church of Rome, and almost all the Lutheran churches, do divide the decalogue.

On the other side, these are made to be two distinct commandments by the Chaldee paraphrast[i], and by Josephus[k]; "Primum præceptum, Deum esse unum, et hunc solum colendum. Secundum, nullius animalis simulachrum adorandum."—And these are followed by Origen[l], Gregory Nazianzen[m], St. Ambrose and St. Jerome[n], even against his opinion expressed in another place,—and St. Chrysostom, St. Austin, or whosoever is the author of the questions of the Old and New Testament, Sulpitius Severus, Zonaras; and admitted as probable by Venerable Bede; but followed earnestly by all the churches that follow Calvin; and by the other protestants, not Lutherans.

4. In this great contrariety of opinion, that which I choose to follow, is the way of the church of England; which as it hath the greater and more certain authority from antiquity, so it hath much the greater reasonableness. For when God had commanded the worship of himself alone, excluding all false gods,—in the next words he was pleased

b Lib. v. contr. Jul.
c In c. x. Hos.
d In xxvi. Levit.
e Lib. vi. Strom.
f Qu. 71. in Ex.
g In xx. Exod.
h Sup. salv. Reg.
i In c. xx. Exod.
k Lib. iii. Antiq. c. 4.
l Lib. iii. hom. 8. in Exod.
m In Carm.
n In vi. Ephes.

also to forbid them to worship him in that manner, by which all the gods of the nations were worshipped, which was, by images: insomuch that their images were called gods, not that they thought them so; but that the worshipping of false gods, and worshipping by images, were by the idolaters ever joined. Now this being a different thing from the other, one regarding the object, the other the manner of worship,—it is highly reasonable to believe that they make two commandments. 2. God would not be worshipped by an image, because none could be made of him; and therefore it is remarkable that God did duplicate his caution against images of him, by adding this reason to his precept, "Remember that ye saw no shape, but only heard a voice:" which as it was a direct design of God, that they might not make an image of him, and so worship him as the idolaters did their false gods, so it did, indirectly at least, intimate to them, that "God would be worshipped in spirit and truth:" that is, not with a lying image: as every image of him must needs be: for it can have no truth, when a finite body represents an infinite spirit. And this is most likely to be thus: because this being a certain digest of the law of nature, in it the natural religion and worship of God was to be commanded, and, therefore, that it should be spiritual and true, that is, not with false imaginations and corporal representment, was to be the matter of a commandment. 3. Since the first table did so descend to particulars as by a distinct precept to appoint the day of his worship: it is not unlikely that the essential and natural manner of doing it should also be distinctly provided for, since the circumstantial was: but that could not be at all, if it was a portion of the first commandment: for then the sense of it must be according to the first intention, that images should not become our gods. 4. The heathens did not suppose their images to be their gods, but representments of their gods; and therefore it is not so likely that God should, by way of caution, so explicate the first commandment; when there was no danger of doing any such thing; unless they should be stark mad, or fools, and without understanding. 5. When God forbade them to make and worship the likeness of any thing in heaven and earth,—he sufficiently declared, that his meaning was to forbid that manner of worshipping, not that object;

for by saying it was "the likeness of something," it declared that this likeness could not be the object of their worshipping; for because it is the image of a thing, therefore it is not the thing they worshipped; and it cannot be supposed of a man, that he can make the image of the sun to be his God, when he makes that image of the sun, because he thinks the sun is the most excellent thing. When, therefore, in the first commandment, he had forbidden them to acknowledge the sun, or any thing else but himself, to be God,—in the next, he forbids the worshipping himself or any thing else by an image. But of this I shall speak more afterwards; because it relates to the moral duty.

But I observe, that all those moderns who confound these two commandments, have not that pretence which the ancients had; and have quitted all that by which such confusion could have been, in any sense, tolerable. For Philo, and those ancients who followed him, reckon the first commandment to be, "I am the Lord thy God," &c.; by which God would be acknowledged to be the Lord: and the second did forbid "any other besides him." So that there might be some appearance of reason to make the first commandment affirmative, and the second negative; the first, to declare who is God; the second, to forbid polytheism: the first, to declare his entity; the second, to publish his unity: the first, to engage their duty to him who had so lately endeared them by freedom from captivity; the second, to forbid the adopting the gods of the nations with whom they were now to converse. I confess that these reasons are not sufficient; for they multiply, where there is no need, and make a division without difference; and leave all those periods, which are about images, to be of no use, no signification; and concerning their own practice and religion in the matter of images, though it is certain they wholly derived it from the commandment, yet they take no notice of any warrant at all derived from thence; but supposing that they did make the division for these reasons, and that these reasons were good, yet all the moderns quit all this pretension, and allow but three commandments to the first table, and divide the second into seven; to effect which they make two commandments against concupiscence: concerning which I will not say they might have reckoned more ac-

cording to the multiplication of the objects; four as well as two: but this I say, as it is wholly without necessity, and very destitute of any probability, so it is done against the very order of words. For although Moses, in Deuteronomy, reckons the concupiscence of the wife first, yet, in Exodus, which is the copy of the decalogue as it was given, Moses reckons the concupiscence of the house first: so that the ninth commandment lies in the body of the tenth; and the tenth lies part of it before the ninth, and part of it after: which is a prejudice against it greater than can be outweighed by any or all the pretences, which are or can be made for it: especially since, by the opinions of the Roman doctors, these two cannot, as they lie here, make two objects: for to covet another man's wife, is the same as to covet another man's servant, that is, as a possession; for multitude of wives was great riches, and the peculiar of princes, as appears in Nathan's upbraiding David, and the case of Solomon: but to covet the wife 'propter libidinem,' is forbidden by the seventh commandment, as the Roman doctors teach, and under that they handle it. Therefore the wife, and the servant, and the beast of another man, being here forbidden to be desired as matter of covetousness, make but one object, and consequently but one commandment: and if, because a difference can be fancied, the wife and the house make two objects, then the servant makes a third; for a house differs from a wife no more than a servant from a house; the use of these is as different as of those, and can make as distinct objects of appetite and desire; and, therefore, either they all must make but one commandment, or they must make more than two.

But the church of Rome and the Lutherans have several interests, for, other reasons they have none in so doing. The church of Rome confounds the two commandments, lest the worshipping of images should appear to be forbidden. For if it be a distinct commandment which forbids the worship of images,—then, because all false objects of worship are sufficiently forbidden in the first, it will not be a competent answer to say, 'we do not worship images as gods, we do not make idols of them;'—for to worship any thing as God is not forbidden in the second commandment, but in the first: but, therefore, lest the second commandment should

signify nothing, it follows, that the taking of images into religion, or the worshipping God, whether true or false, by an image, is there forbidden. But if these two commandments were one, then they suppose, that this of forbidding images, being a pursuance of the prohibition of having any other gods, expounds itself only to mean, the making images to be God; which because they do not, they hope to stand upright in the scrutiny concerning this commandment.

But to this I return this account: that although it be certain that if these commandments be divided, it will follow that this manner of religion by image-worship, is particularly forbidden as a false manner of worshipping, and, consequently, is, upon no pretence, to be introduced into religion; yet if we should suppose them to be but one commandment, it will not follow that images are not forbidden to be used in religious worshippings. For if God forbade them to make 'deos sculptiles,' 'engraven gods,' that is, to worship such gods as may be depicted or engraven, such as the sun and moon, Apis and Jupiter; the ox of Egypt, or the fire of Persia; then, by the same reason, we conclude that 'deus sculptilis' is no god, and therefore, to make the God of Israel to be a god depicted or engraven, does dishonour and depress him to the manner of an idol. For, therefore, in the decalogue, recited by Philo, and in the sense of all the ancients, the reason against making an engraven god is, "Ego sum Deus thus zelotes," "I am thy God, I am thy jealous God;" that is, 'I who cannot be represented by such vanities, I am thy God,—but they are not, who can.'—Add to this; that since the doctors of the Roman church make the decalogue to be the fountain of all moral theology, and, by that method, describe all cases of conscience; it is necessary that they take into the body and obligation of every commandment not only what is expressed in the letter and first signification, but the species, the relations, the similitudes, the occasions, any thing that is like the prohibition, and concerning which we cannot tell whether it be or no; and upon this account, if they can retain images, or think to honour God by the use and worshipping of them, they may be confident of any thing, and may as well use some pollutions of the flesh, as such pollutions of idols.

But there is also more in it than thus. For although it

is usually supposed by learned persons, that Philo the Jew, Athanasius, St. Jerome, and St. Austin, are of opinion that the two commandments are not to be divided, but are all one; yet if we look into their sayings, we shall find them to have other effects than they suppose. For they, making the preface to be the first commandment, "I am the Lord thy God, which brought thee out of the land of Egypt," do suppose, that the object of religion and divine worship is sufficiently declared, in that they think the same of that as all other men do of the following words: "Thou shalt have no other gods but me;" viz. that God, proposing himself as their God, whom only they were to worship, did by that, sufficiently exclude the worship of all false gods, or giving divine worship to any thing besides himself: so that, when the object is sufficiently provided for, as it is in the first commandment, however it be computed, the former arguments will return upon them, and it will be most probable, that the next provision be made for the manner of the divine worship; and then the use of images in religion, and the religious worship of them, will be, by a necessary and immediate consequent, forbidden: for the forbidding 'deos sculptiles,'—forbids not only other gods; but forbids them with that reason and demonstration. They that can be engraven or painted, are no gods, and therefore images and false gods are equally forbidden; wherever an image is joined to a god, there is a false god, or no true god: for an image and the true God are inconsistent. So that, wherever there are two commandments before that of taking God's name in vain, as it is amongst all the ancients (Clemens Alexandrinus only excepted),—there it is most likely, that the first provides for the object of divine worship affirmatively, and the second for the manner negatively; and the effect of this will be, that they are, in their division of the decalogue, almost wholly destitute of authority or warrant from the ancients, for they all make four commandments in the first table, at least. The Jews usually indeed did reckon five: taking in that of honouring our parents, but they always made that of the sabbath to be the fourth; by all which it must needs be, that they must lie under the same objection, which they would fain avoid: and though they confound those two which we usually now reckon the two first, yet because the

Jews and ancient Christians who reckoned otherwise, did account one commandment to the same purpose as we reckon the first; that which follows can never be proved to mean any thing but a prohibition of that manner of divine worship by images: for it implies, that to worship God by an image, is to worship an idol: an image of God, when it is worshipped, is an idol, for neither can the true God have an image, neither will he be worshipped by an image. Now, though this will not at all concern the images of saints, but only the worship of God by an image, yet even this also, when they think this image-worship shall be a worshipping and honouring of God indirectly, and an act pleasing to him, will come under this commandment, as certainly and more apparently than fornication or intemperance shall come under the sixth or seventh; whither their doctors usually reduce them.

This thing more I am willing to add concerning the division of the decalogue: that when the ancients did reckon the preface or introduction to be the first commandment; it is not certain that they put the words of "Thou shalt have no other gods but me" to the second. For as for Philo, he does not recite them at all, but reckons the second otherwise than it is in Moses' books; and it is not certain, how he thought in this question, to him, that well considers his copy of the decalogue. For he thus begins: "I am the Lord thy God, who brought thee out of the land of Egypt. Thou shalt not make any graven gods to thyself: nor any abomination of sun and moon: nor of any thing that is on the earth, or that creeps in the waters: I am thy Lord, the jealous God," &c. Now in this, which is first and which is second, is plain enough, though Philo does not number them: but whether the words of that, which we call the first commandment, by him are understood in the first or in the second, does not hence appear. But then for St. Athanasius, whom the adversaries reckon theirs, the case is yet clearer against them; for "I am the Lord thy God," he reckons to be the first, omitting all that which follows until the second commandment: but the second he plainly and perfectly reckons as we do, "Thou shalt not make to thyself an idol, or graven image, nor the likeness of any thing." So that it is probable, he begins the first commandment with the preface: but it is certain he reckons the second as we do.

St. Jerome and St. Austin are pretended for them; but they also testify against them, and against themselves, by an uncertain and contradictory sentence, as I have showed; indeed the apostate Julian is much more for them, and does confound those, which we call the two commandments, but yet reckons one before them, just as Philo: so that, excepting Julian, there will be found in antiquity "vel duo vel nemo," scarce one or two that is on their side. However against them there is a great authority and very great probabilities of reason: of which, in the following periods, I shall add a more full account: in the mean time, as the church of Rome is destitute of any just ground of their manner of dividing the ten commandments, so they will find, it will not serve that interest they have designed.

But then for the Lutheran churches, they have, indeed, as little reason for their division, and a much less interest and necessity to serve and provide for. They, therefore, thrust the second into the first, lest it should be unlawful to make or to have pictures or images; for they still keep them in their churches, and are fearful to be aspersed with a crime forbidden in the second commandment; they keep them, I say, but for memory only, not for worship or direct religion. But in this they are more afraid than hurt. For suppose the second commandment to be distinct and wholly against images and their worship; yet every thing in the commandment is not moral, though the commandment itself be. For God was pleased to appoint such temporary instruments of a moral duty as were fitted to the necessities of that people; but such instruments were but like temporary supporters, placed there but till the building could stand alone. But whether this clause of having or making images be referred to the first or to the second commandment, it is all one: if to the first, it means, that therefore they are not to be made by them, lest they become the object of divine worship: if to the second, then they were not to be made, lest they become instruments of a false manner of the divine worship: but in both, the prohibition is but relative, as appears in the parallel places of Levit. xix. 4., but especially Levit. xxvi. 1. "Ye shall make ye no idols, nor graven image, neither rear ye up a standing image, neither shall ye set up any image of stone

in your land (to bow down unto it), for I am the Lord your God:' by which it is plain, that the prohibition is not terminated on the image, but referring to religion; and is of the same nature as the forbidding them to converse with idolaters, or to make marriages with them; which God himself expressed to be, lest they learn their evil customs; and all the reason of the world tells us, that such clauses, whose whole reason is relative and instrumental, may be supplied by other instruments, and the reason of them or their necessity may cease, and consequently there can be no part of a natural law, whose reason, without a miracle and the change of nature, can never alter. So that this fear of theirs being useless, they may, without prejudice and interest, follow that which is more reasonable. And this was sufficiently indicated by the act and words of God himself, who gave order for the brazen serpent to be made, and the images, or rather hieroglyphics, of cherubim to be set over the propitiatory[1]; which is not to be supposed he would have done, if it had been against his own eternal law: he suffered them not to worship them, but to make them, to show that this was not against the moral part of the commandment, though that was: and the ark could endure the five golden mice and the five golden emerods, because though they were images, yet they were not idols, that is, were not intended for worship; but because Dagon was, it fell before the ark; that could not be suffered: and in Solomon's temple, beside the pomegranates and other imagery, there were twelve brazen bulls; but they were not intended for worship, and, therefore, it was free to the Jews to use them or not: but the calves of Dan and Bethel, because they were 'fusiles dei,' graven images used in divine worship, were an abomination: and upon the shekel of the sanctuary was impressed the image of Aaron's rod and a pot of manna, or thurible; it was lawful, while there was no danger of worshipping them.

11. This, then, is the first instance of the rule: the having or making of images, though it be forbidden to the Jews in the

[1] Vide Manasseh Ben Israel, in Concil. q. 30; et Tertul. lib. ii. contr. Marcion. c. 22. Gab. Vasquez. disp. 104. c. 6.

second commandment, yet it is not unlawful to Christians. But of this I shall say more in the following periods.

12. Now concerning the religion of images, that is, worshipping God by them directly or indirectly,—whether that be lawful to Christians; although I have sufficiently declared the negative already, by reproving the great ground of that practice, I mean, the thrusting the two commandments together, and have proved that they ought not to be so confounded; or if they ought, yet that the worship of images is not concluded from thence to be lawful or permitted, yet I hope it will be neither useless nor unpleasant, if I determine this case upon its proper grounds, in these two inquiries: 1. Whether it be lawful to make a picture or image of God? 2. Whether it be lawful to worship God by a picture?

Quest. Whether it be lawful to make a picture or image of God?

13. I answer negatively: and that upon the plain words of God in Deuteronomy, which, upon the account of the fifth rule, are to be accounted as an explication of the moral law, and, therefore, obligatory to Christians: as relating to the matter of the commandment, giving a natural reason for a natural duty, and pursuing that with argument, which, before, he had established with authority, and writing that in the tables of the heart, which at first he delivered to Moses in tables of stone[m]. "Take ye therefore good heed unto yourselves; for ye saw no manner of similitude in the day, when the Lord spake unto you in Mount Horeb out of the midst of the fire: lest ye corrupt yourselves and make you a graven image, the similitude of any figure, the likeness of male or female," &c. Now why did God so earnestly remind them that they saw no image, but because he would not have them make any of him? And this is frequently pressed by God in that manner, which shows it not only to be impious to do it against his commandment, but foolish, and impossible, and against all natural reason. "To whom will ye liken God? or what likeness will ye compare unto him?" said God by the prophet[n]: meaning, that there is none, there can be none: and you may as well measure eternity with a span, and

[m] Deut. iv. 15, 16. [n] Isaiah, xl. 18.

grasp an infinite in the palm of your hand, as draw the circles and depict him, that hath no colour or figure, no parts nor body, no accidents nor visibility. And this St. Paul argued out of Aratus;

Καὶ τοῦ γὰρ καὶ γένος ἐσμέν.

"We are his offspring:" that is, we are made after his image and similitude; Christ is the prototype, and we are efformed after his image, who is "the first-born of all creatures:" man is made after the likeness of God; not man in his body but man in his soul, in his will and powers of choice, in his understanding and powers of discerning, in his memory and powers of recording; and he that cannot make the image of a will, or by a graven image represent the understanding of a man, must never hope to make any thing like God: there is no way to do that, but to make a man; and although it be but an imperfect image of God, yet an image it is, and the best that is upon the earth. But now from hence the apostle argues[o], "Forasmuch then as we are the offspring of God, we ought not to think, that the godhead is like unto gold, or silver, or stone graven by art and man's device:" If the invisible, inexpressible part of man is the image of God, and we are his sons by creation, expressing in our souls some little things of his infinite perfection, it cannot be supposed, that this image can make an image like God; and, if it cannot be like him, it is not to be made for him; for nothing is more unlike him than a lie. The Athenians were a dull people, and knew not how to answer St. Paul's argument; but we are, nowadays, taught to escape from this. For it is said, that it is true,—God's essence cannot be depicted or engraven; but such representations, by which he hath been pleased to communicate notices of himself, can as well be described with a pencil as with a pen, and as well set down, so that ideots may read and understand as well as the learned clerks. Now because God was pleased to appear to Daniel like 'the ancient of days,' and the Holy Ghost in the shape of 'a dove,' and Christ in the form of 'a man,' these representations may be depicted and described by images without disparagement to the divinity of God.

[o] Acts, xvii. 29.

14. To these I give these answers: 1. That the vision of Daniel seeing 'the ancient of days,' tells of no shape, nothing like an old man; but by that phrase did seem to signify the eternal God; he tells of a head and hair like 'pure wool,' that is, pure and white, one of the synonyma of light or brightness, like that of his garment, 'like snow; his wheels were a burning fire, his throne a fiery flame;' that is, in effect, when Daniel was asleep, he had a vision or fantasm in his head: where he had a representment of the eternal God, in a circumfusion and a great union of light and glory, which he, when he was awake, expressed by metaphors imperfectly telling what fantasm that was, in which he perceived the representment and communication of God; that is, he there set down the shadow of a dream of a bright shining cloud: for the metaphor is a shadow, and his vision was a dream, and what he dreamt he saw, was but the investiture of God; like as when God, by his angel, went in a cloud of fire before the sons of Israel; nay, not so much, for that was really so,—this but a prophetic ecstasy in his sleep: the images of which are but very unfit to establish a part of divine worship, and an article of practice, against natural reason and the letter of a commandment. But, 2. I demand, whether did Daniel see the eternal God then or no? If he did not, then, at the most, it was but an angel of light in the place of God: and then this can never infer the lawfulness of making any image of God, for it was only God's angel, or a globe of glory instead of God, and not God that appeared in his own person. But if it be said he did see God, it apparently contradicts the Scripture: "No man hath seen God at any time:" and again, "the eternal God, whom no man hath seen or can see [p]." The issue then is this,—Daniel did not see God the Father, neither could he: therefore God the Father was not represented to him by any visible species: therefore neither can we, by any help or authority from his dream. And it is not sufficient to say, that, though Daniel did not see God's essence, yet he saw the representment; for he did not see any representment of God; he did not see God by any thing that expressed his person: for as for essences, no man can see the essence of a bee or a bird; but sees it by some proper representment, but

[p] 1 Tim. vi. 15, 16.

yet by that representment he properly and truly sees the bird: but Daniel did no way see God's person or nature, not so much as by any fantasm or image: an angel of light, or the brightness of an angel, he might dream of in the ecstasy: but in no sense could he be said to see God, except only by his angel or ambassador. So that when it is said, "No man can see God," it cannot be meant, that God's essence cannot be seen; for this had said no great matter; for no essence can be seen; but it must mean that God "dwells in an inaccessible light, whither no man can approach," out of which he will send no emissions of representment or visibility; for, if he had so done at any time, or would do at all,—it were not true, "that no man had seen him, or could see him:" for if he had communicated himself personally in any representment or visibility, then he had been seen, and in that instance, and at that time he were not the invisible God. 3. Suppose Daniel's vision had been of God himself: yet as it was done to him by special favour, so it was for a special purpose; it was for a design of prophecy, and to declare future events in the matters of war and peace; not to establish a practice prejudicial to a commandment: and it is strange that a vision or night's dream, expressed by way of rapture and clouds of metaphor, communicated to one man, signifying uncertainly, told imperfectly after the manner of raptures and prophetic ecstasies, intended to very distant purposes, never so extended by his own nation, or used to any such end, should yet prevail with Christians (who are, or ought to be, infinitely removed from such a childish religion and baby tricks), more than an express commandment, and natural and essential reason, and the practice both of all the Jews and the best Christians. There is nothing in the world, though never so bad, but by witty and resolved men may have more colours laid upon it, to set it out, than this can from this pretension. 4. The vision itself, if it were expressed in picture as it is set down, would be a most strange production of art, and a horrid representation of nature; and unless something were supposed which is not expressed, it would be a strange new nothing. For 'the ancient of days' does, by no violence, signify an old man; for it being a representment of eternity, is the worst of all expressed by an old man; for that which is old, is ready to

vanish away; and nothing is more contrary to eternity. Again, here is no mention of the appearance of a man. There is, indeed, mention of a 'head,' but neither of man nor beast, bird nor fly, expressed; and hair like 'pure wool,' but in what it is like, excepting only the purity, is not told, nor can be imagined: after this there is nothing but 'a throne of flames and wheels of fire;' and all this together would make a strange image, a metaphor to express eternity, —a head of I know not what light without substance,— visibility without a figure,— a top without a bottom,—the whiteness of wool instead of the substance of hair,—and a seat upon wheels,—and all in flames and fire: that it should ever enter into the head or heart of an instructed man to think that the great, the immense, the invisible, the infinite God of heaven, that fills heaven, and earth, and hell, should be represented in image or picture by such a thing, by such a nothing, is as strange and prodigious as the combination of all the daughters of fear, and sleep and ignorance. 5. After this vision of Daniel, it was, in the church of the Jews, esteemed as unlawful as ever to make an image of God; and by this the primitive Christians did not believe a warrant or confidence could be taken to do any thing of that nature: and they that, nowadays, think otherwise, have a new understanding and a new religion, defying a commandment, and walking by a dream: and are such, whom a precept cannot draw, but they follow what they understand not, and what was not intended to conduct their religion, but to signify only the events and great changes of the world. 6. If because mention is made of "the ancient of days" in Daniel, it were lawful to picture God like an old man, we might as well make a door and say it is Christ,—or a vine, and call it our master,—or a thief, and call it the day of judgment:— a metaphorical or mystical expression may be the veil of a mysterious truth, but cannot pass into a sign and signification of it: itself may become an hieroglyphic, when it is painted, but not an image, which is a μορφὴ εἰδικὴς, and the most proper representation of any thing that can be seen, and is not present. They that paint a child to signify eternity, do it better than they, who, by an old man, signify him that can be no older to-morrow than he was yesterday. But by this I only intend to note the imprudence and indecency

of the thing: the unlawfulness is upon other accounts, which I have reckoned.

15. Concerning the humanity of our Saviour, that being a creature he might be depicted, I mean it was naturally capable of it; it was the great instrument of many actions, it conversed with mankind above thirty years together, it was the subject of great changes, and the matter of a long story, and the conduit of many excellent instructions; and therefore might without all question be described, as well as Cæsar's, or Meletius, Mark Antony, or the kings of the Gentiles. It might be done: and the question being here only of the making or having of it, abstractedly from all other appendages or collateral considerations, I need say no more of it under this title; but that it is neither impious nor unreasonable of itself, to have, or to make the picture or image of Christ's humanity, or rather of his human body. For against this there is neither reason nor religion, and if it be made accidentally unlawful, that is not of present consideration.

16. But for the usual image of the Holy Ghost in the form of a dove, the pretence is great and fairer; no less than the words of Scripture. For in this instance, that reason ceases, for which God did prohibit the making of his image: for here they did not only hear a voice, but also they saw a shape; for the Holy Ghost descended in the likeness of a dove: ἐν σωματικῷ εἴδει: "in a bodily shape." So St. Luke. To this I answer, that the Holy Ghost did not appear in the shape of a dove at all; but the dove, mentioned in the story, relates only to the manner of his descending, and hovering over Christ. And this, 1. appears by the words in St. Matthew, εἶδε τὸ πνεῦμα τοῦ Θεοῦ καταβαῖνον, ὡσεὶ περιστερὰν, he saw the Spirit of God 'descending like a dove,' that is, as doves use to descend, hovering and overshadowing of him. 2. The word ὡσεὶ, which signifies an imperfect resemblance, or a limited similitude, does not infer the direct shape of a dove; but something of it; the motion or the quantity, the hovering or the lighting, like that of his appearance on the day of Pentecost: cloven tongues, ὡσεὶ πυρὸς, "as it were of fire[q];" that is, something of it; to shine, it may be,—but not to burn;

[q] Acts, ii. 3.

to appear bright, but not to move. 3. This appears yet more plainly in the words of St. Luke, Καὶ καταβῆναι τὸ πνεῦμα τὸ ἅγιον σωματικῷ εἴδει, ὡσεὶ περιστερὰν ἐπ' αὐτόν. "The Holy Ghost did descend in a bodily shape, as a dove upon him;" where the 'bodily shape,' cannot mean the bodily shape of a dove, for then it must have been ὡσεὶ περιστερᾶς, 'as of a dove,' like that of the Acts, ὡσεὶ πυρὸς; but it must wholly be referred to καταβῆναι: he 'descended' as a dove uses to do: but then for σωματικὸν εἶδος, 'the bodily shape,' it was nothing but a body of light: the greatest visibility, called by the apostle[r], μεγαλοπρεπὴς δόξα, "the excellent glory:" which, indeed, was the usual investiture of God's messengers in their appearances and visibilities; and that there appeared a fire in Jordan at that time, Justin Martyr against Tryphon the Jew affirms expressly. 4. That this similitude was relative to the motion, or the manner, of a dove's descent, is so much the more probable, because this acceptation and understanding of it is more agreeable to the design and purpose of the Holy Ghost's descending. For by 'flying' the Jews did use, in their symbolical theology, to signify a divine influx or inspiration, saith Rabbi Jaccai, upon the ninth of Daniel: the descent, therefore, of the Holy Ghost, in the manner of a dove's flight, signifies the gift of the Spirit of God to his Holy Son; who received him not by measures, but the fulness of him: and from his fulness we all receive our portions.

17. I cannot deny but that, amongst learned men, there is great difference of apprehension concerning it; and the generality of men, without examining it, suppose the Holy Ghost to have descended, being invested with the direct shape of a dove; ἐπελθόντος ἐν εἴδει περιστερᾶς πνεύματος, so Justin Martyr: for he expresses the words otherwise than all the four evangelists; they all say, ὡσεὶ περιστερὰν, meaning, 'as a dove descends;' he changes the case, and makes it to be the shape, or 'form of a dove;' φάσμα ὄρνιθος, so Origen calls it; 'the phantasm, or appearance of a bird;'—yet I will for the present suppose it so, because the ancients did generally believe so. But then I answer to the objection, That, 1. although the ancients did suppose it so—yet, in the

[r] 2 Peter, i. 17.

sixth council, that at Constantinople [s], it is expressly forbidden to depict Christ like a lamb, or the Holy Spirit like a dove. 2. Suppose the fancy of the ancients to have some reality in it, yet it amounted to no more than this, it was nothing but a light of fire effigiated into such a resemblance; or, like a bright cloud which represents strange figures imperfectly, any thing according to the heart or fancy of them that behold it; and therefore is not so imitable, as if it were a direct and proper appearance: so the gospel of the Nazarenes expresses it, καὶ εὐθὺς περιέλαμψε τὸν τόπον φῶς μέγα: "presently a great light did shine round about the place;"—and their apprehension of a dazzling light in such a resemblance, is but an ill warrant to make a standing figure and proper imagery. 3. Tertullian [t] supposes, it was really and properly a very dove indeed; and if so, the whole business is at an end: for any dove may be pictured, but the Holy Ghost must not be pictured in that shape, though his errand and design was ministered to by a dove. 4. And that, indeed, is the proper and full solution of this objection. Supposing that the shape of a dove did appear, yet this no way represented him, or was to be used as a sign of him; and therefore, it is observable, when God [u] had told the Baptist how he should know the Messias, and that the Holy Ghost should consign and signify him,—he makes no mention of a dove, but of descending only; not only plainly intimating that the mention of a dove was for the similitude of motion, not of shape, but also to signify that the Holy Ghost himself was not at all to be represented as a dove. But then, if there was the shape of a dove, as the ancients suppose, it looks downwards, not upwards, and was a symbol not to signify any thing of the divinity, or the personality of the Holy Spirit; but to signify something in Christ, or in Christ's body the church, to represent the excellency and sweetness of Christ and of the church [x], his perfection and our duty, the state of his institution and of our religion, and so they who thus teach of the apparition of a dove, express the symbol. The dove was to represent that great meekness, which was in Christ, and which he would insert into his institution, as no small part of a Christian's duty;

[s] Can. 83. [t] Lib. de carne Christi. [u] Joh. i. 33. [x] Isai. xlii. 1, 2, 3.

which our blessed Saviour was pleased also to express[y] in the same similitude, "be as harmless as doves." Philo says that, in the Jew's discipline, a dove signifies wisdom, that is, a good, a wise, a gentle, and debonair comportment, not the severity of retirement, and a philosophical life, but of a civil, sweet, and obliging conversation. Some say, that this dove did relate to that dove which signified to Noah, by an olive-branch of peace, that God was again reconciled to the world; and so did it please God to use the like symbol, when he would signify that reconcilement, which was by Christ to be effected, and of which the other was but a weak representment, and type, or figure. The world was now also to be renewed at the appearance of this dove; but, because this no way relates to the person or the nature of the Holy Ghost, it can no way hence be inferred, that the Holy Ghost may be represented by an image. This apparition, if it was at all, was symbolical of something below, not representative of any thing above: and in that sense, and to that purpose, I do not doubt but it may be lawful to make a picture of the dove that was seen, if, I say, it was at all; and of the fiery tongues sitting upon the apostles; for these were not representative of the nature or person of the Holy Ghost, but descriptive of the impression, that from the Holy Ghost was made upon them; and of this nature is the expression of the Baptist: "He shall baptize you with the Holy Ghost and with fire;" that is, from his baptism, or by his immission, you shall receive graces and gifts, whose effect is properly expressed by fire, which also shall be its symbol.

18. And after all this, if it should please God, any person of the blessed and most holy Trinity should appear in any visible shape, that shape might be depicted, of that shape an image might be made; I mean, it might naturally, it might if it were done for lawful ends, and unless a commandment were to the contrary; and, therefore, so long as God keeps himself within the secret recesses of his sanctuary, and the majesty of his invisibility, so long it is plain he intends the very first sense and words of his commandment: but, if he should cancel the great reason of his commandment, and make that, by an act of his own, to become possible, which,

[y] Matt. x. 16.

in the nature of things, is impossible,—that is, that an image can be made of God; I should believe that God did intend to dispense in that part of the commandment, and declare that he intended it only for a temporary band. For if the reason of the commandment were taken away, either the commandment also ceases to oblige, or must be bound upon us by another reason, or a new sanction, or, at least, a new declaration; or else it would follow, that then his visible appearance would become a snare to mankind. But because he hath not yet appeared visibly, and hath, by no figure or idea, represented the godhead; and that it is a truth, which must last as long as Christian religion lasts, that "No man can see God,"—therefore it follows, that it is at no hand lawful to make an image of God, or relating to the divinity. If a dove be made, it must not be intended to represent the Holy Ghost; for besides that no dove did appear [z], nor shape of a dove,—yet, if it did, it related not to the person of the Holy Ghost, but to the impression made upon the person on whom the light descended. And if the figure of the crucifix be made, or of Jesus in the flesh, it is wholly relative to the creature, not to him as God; for that is impious, and unreasonable, and impossible to be done in any natural proportion. And the like also is to be said of those expressions in Scripture of the 'hand' of God, his 'eye,' his 'arm;' which words, although they are written, yet they cannot, ought not, to be painted. I do not doubt but it is lawful to paint or engrave an eye, or a hand, but not an eye or hand of God, that is, we may not intend to represent God by such sculpture or picture, because the Scripture does not speak them to that end,—that by them we may conceive any thing of God: for, as Hesselius well notes, these and other like expressions are intended to represent some action of God;

[z] Si quis dicat, quòd Spiritus S. in columba apparuit, et Pater, in Veteri Testamento, sub aliquibus corporalibus formis, ideoque possunt et illi per imagines repræsentari; dicendum quòd illæ formæ corporales non fuerunt à Patre vel Spiritu Sancto assumptæ, et ideò repræsentatione eorum per imagines, non est repræsentatio personæ Divinæ; sed repræsentatio illius formæ secundùm se; propterea non debetur ei aliqua reverentia, sicut nec illis formis secundùm se. Nec illæ formæ fuerunt ad repræsentandas Divinas personas, sed ad repræsentandum effectus, quos Divinæ personæ faciebant in rebus. Durand. in 3. Sent. Dist. 9. q. 2. n. 15.

such as is that of David[a], who brings in God, "excitatum tanquam dormientem, tanquam potentem crapulatum à circo:" "awakened out of sleep, and as a giant refreshed,—filled, gorged,—with wine;" by which, if any man shall represent God in picture,—his saying, 'it may as well be painted as written,' will not acquit him from insufferable impiety.

19. Now this which I have discoursed, is evidently according to the doctrine and practice both of the Jews and primitive Christians. Concerning the Jews, Tacitus[b] says of them, "Mente sola, unumque numen intelligunt: profanos, qui Deûm imagines mortalibus materiis in species hominum effingant:" "They acknowledge but one Deity, whom they understand in their mind only; esteeming all them to be profane, who efform the images of their gods of corruptible matter into the shapes of men[c]." And the testimony of St. Clemens[d] of Alexandria, is very full to this purpose: "Deum, ex Mosis disciplina, nec hominis effigie, nec ulla alia re repræsentari;" "God, by the law of Moses, was not to be represented in the shape of a man, or any other figure:" and for the Christians, that they also understood themselves to be bound by the same law, to the same religious abstaining from making of images of God, is openly and generally taught by the doctors of the Christian church for the four first ages together; as without scruple appears in the express words of Origen[e], Tertullian[f], Eusebius[g], Athanasius[h], St. Jerome[i], St. Austin[k], Theodoret[l], Damascen[m], and the synod of Constantinople, as is reported in the sixth action of the second Nicene council; the sense of all which, together with his own, Polydore Virgil[n] thus represents: "Cum Deus ubique præsens sit, nihil à principio post homines natos stultius visum est, quam ejus simulacrum pingere;" "Since the world began, never was any thing more foolish than to picture God, who is present every where:" for this is,

[a] Psal. lxxviii. 65.
[b] Hist. v. 5. Oberlin, vol. ii. p. 326. Lond. ed.
[c] Idem etiam videre est apud Diodor. Sicul.
[d] Stromat. 1.
[e] D. 7. con. Cels.
[f] De. Coron. Mil.
[g] Lib. i. c. 6. Præp. Evang.
[h] Orat. contra Gentes.
[i] In c. 40. Isai.
[k] De Fide et Symbol. c. 7.
[l] In Deut. q. 1.
[m] Lib. iv. de Orth. Fide, c. 17.
[n] Lib. ii. c. 23. de Invent.

(according to the sharp reproof of the apostle) "to change the glory of the incorruptible God into the similitude, ἐν ὁμοιώματι εἰκόνος, (so it is in the Greek[o])of an image of a corruptible man, and of birds and beasts," &c., than which words nothing can be plainer to condemn the picturing God: a thing which the very Heathens did abominate.

Sed nulla effigies, simulacrave nota deorum
Majestate locum et sacra implevere timore.

said Silius Italicus[p]) of the temple of Cadiz; 'they had no images, no pictures of the gods; but the house was filled with majesty and a holy fear.' And this they did not of ignorance, nor of custom, but out of reason and wise discourse. When Seneca intreated his friend Lucilius to make himself worthy of God, he tells him how: "Finget autem non auro, non argento: non potest ex hac materia imago Dei fingi similis:" "Not with gold and silver; for of these an image like to God can never be made."—And therefore Tacitus says of the Germans, that they "nec cohibere parietibus deos, neque in ullam humani oris speciem adsimilare, ex magnitudine cœlestium arbitrantur[q];" "they think they do not know the nature of the gods, if they should thrust them into walls, or depict them in the resemblance of a man or woman."—"Nullum simulacrum finxisse antiquitatem," said Macrobius[r]. "The old world never made an image" (meaning of God), "Quia summus Deus nataque ex eo mens, sicut ultra animam, ita supra naturam sunt, quo nihil fas est de fabulis pervenire:" "because the supreme God, and the mind that is born of him, as it is beyond our soul, so it is beyond all nature, and it is not fit that fables and fictions should be addressed to him."

Nulla auri effigies, nulli commissa metallo,
Forma Dei mentes habitare et pectora gaudet:

'God dwells in minds and hearts of good men, not in images and metals.'

20. The next question is of greater effect; and, though the answer of it must needs be concluded from the former, yet because it hath some considerations of its own, and proper arguments, it is worth a short inquiry.

o Rom. i. 23.
p III. 30. Ruperti, vol. i. pag. 177.
q Cap. ix. Oberlin. Lond. ed. vol. ii. pag. 360.
r L. i. in Somn. Scip. c. 2.

Ques. Whether it be lawful for Christians to worship God by an image?

21. Concerning which the best ground of resolution is the commandment; which, it is certain, the church of the Jews did understand so, that they accounted it idolatry to worship God in any image whatsoever; thus the Israelites were idolaters when they made the golden calf, for so they proclaimed, "These are thy Gods, O Israel, who brought thee out of the land of Egypt; and to-morrow is a solemnity to Jehovah," said Aaron. The calf they intended as an image of their God, and by it they intended to worship him; which is not improbable, says Bellarmine; which is certainly true, said Ferus[s]; and which is affirmed by the Spirit of God; "they changed their glory into the similitude of a calf that eateth hay;" that is, they represented God, who was their glory, by a golden calf. And concerning Micah[t], though his mother made an image, yet that it was for the worshipping of the God of Israel, appears in all the story; for upon this account he hoped that the Lord would bless him, he took a Levite for his priest, he asked council of the Lord; yet these also he called his gods, which were but the images of God, —by which it appears that he was an idolater, because he worshipped the true God by an image, which he had forbidden. The same was the case of Gideon, who made a covenant with them, that God should be their king; yet he made an ephod; that is, instituted a forbidden service to him; which thing became a snare to his house; and being a prevarication of this commandment, was, in its nature, an idolatrous worship; and yet it was but a superstitious or false worship of the true God: and this is affirmed by the Christian doctors. "Non vult Deus in lapidibus coli," said St. Ambrose[u]; "God will not be worshipped in stones or graven images:"—and St. Austin[x] affirms, that God in his commandment did prohibit, "ne quis colat ullam imaginem Dei nisi unam eandem quæ cum ipso est Christus;" "that we should worship no image of God but him that is the lively image of his person, that is, Jesus Christ:"—and this is so affirmed by all the fathers, so confirmed by the doctrine and

[s] In c. vii. Acts.
[t] Judg. 17.
[u] Ep. 31. ad Val.
[x] 119. ep. ad Januar.

practice of the church, so adhered to by all the doctors of the Jews, that Vasquez finds himself constrained to confess, "clare deducitur, non licuisse tum verum Deum in aliqua imagine venerari;" "it is clearly consequent, that then it was not lawful to worship the true God in any image or representment."

22. But it is said, that though it was not then, yet now it is: for that was only a temporary precept, relative to the Jews, because of their proneness to idolatry. So Catharinus [y] affirms, "totum hoc præceptum esse positivum, non morale;" "This whole commandment is positive, not moral:" for, however something related to the Jews, yet, by this commandment, is only forbidden to worship the images of false gods, or the image of the true God with divine worship.

23. Against this I have many things to say: 1. That idolatry is a sin against the law of nature, or of prime religion; therefore whatsoever was idolatry in the Jews, is the same sin in the Christians. Indeed, in the intercourses between man and man, though the relative duty be bound upon us by the commandment of God, yet the instances can be altered by human authority and consent; as new kinds of incest, several instances of murder, of treason, and the like; but where not only the law, but the instances also, are of God's appointment, what is once is always, unless God change the particular, which he never did in the present question. One case there is, in which the particulars even of the present article can vanish; viz. when a particular is commanded apparently for a transient reason, and hath in it no essential reason, no natural rectitude; but the worshipping of God by an image is against natural reason, as I have proved by the unlawfulness and unreasonableness of making an image of God, and shall further prove in the sequel; therefore, although, by reason of the Jews, proneness to direct and prime idolatry, the commandment put new and accidental necessities (I mean the not having or making any pictures), yet the prohibition of worshipping God by an image having a natural and essential rectitude and conformity to the simplicity of a natural, and to the spirituality of the Christian religion, it cannot be changed as the fancies or the interests

[y] Ut vid. est ap. Bellar. de Imag.

of men shall require; and of this, besides the apparent reasonableness of the thing, we have an express testimony from Origen[z]. "Cæterum Christiani homines et Judæi sibi temperant ab his propter illud legis, 'Dominum Deum timebis;' Item propter illud, 'Non erunt tibi Dii alieni præter me, et non facies tibi ipsi simulacrum,' &c. aliaque multa his similia, quæ adeo nos prohibent ab aris et simulacris, ut etiam emori jubeant citius quam contaminemus nostram de Deo fidem talibus impietatibus:" "Both Christians and Jews abstain from these worshippings, because the law says, 'thou shalt have no other gods but me:' and 'thou shalt not make to thyself any graven image, and for many other things like these, which so severely restrain us from altars and images, that they command us to die rather than to pollute our faith of God with such impieties." The sum of which is, that Christians, as well as Jews, understood themselves bound equally by this commandment; and they were to suffer death rather than image-worship.

24. (2.) To worship false gods, or to give divine honour to an image which is not God, is all one kind of formal idolatry; they may differ materially, as the worshipping of silver does from bowing the head to gold, but they are formally the same thing; for it is a making that to be our God which is no God; and this is sufficiently forbidden in the first commandment. Now since there are more sins against that commandment than one, let us suppose that the two first (as we reckon them) are but one; yet the next must be that which is forbidden in the explication; that is, to worship the true God with a false image; it is making God to be like an idol by representing him in the same cheap impossible way; by using him like the false gods, by making his image to become an idol, by giving him a forbidden, hated worship, by honouring him with a lie; all which, if they be not great violations of the commandment to which they do belong,—then there is but one kind of sin there forbidden, and this is an act of so great simplicity and incommunicability, that it hath neither brother nor sister, mother nor daughter, kiff nor kin, analogy nor correspondencies, addresses nor degrees: if it have not, why are so many parti-

[z] L. 7. con. Cels.

culars reduced to this commandment by all casuists, friends or foes, in this article? If it have, this superstitious and forbidden worship being here named in the commandment, and standing next to the prime idolatry, must, at least, have a degree of the same obliquity.

25 (3). He that makes an image of God and worships it,—gives it the worship of God, whom it represents, or a different. If he gives a different, and, consequently, a less worship, he does not worship God in the image; but his worship is such as it is terminated on the image, and then comes not into this inquiry: it is no more than loving a bird for Lesbia's sake, or valuing a pendant for her sake that gave it me; and this may be a civil valuation, and it is to be estimated according to its excess or temper. But if by the image, I mean to worship God, then I join them together in the act of adoration, and make them the same integral object; but then I give to both the same worship; and, therefore, unless they can both be united into an identity, I must needs give divine worship to that which is no God, which is direct idolatry. If an image of God pass the worship, which I give, unto God, then it goes first to the image, then to God, therefore it must needs be the same; for that which passes from the image to God, must not be less than what is fit to be given to God; but if it be the same, then it ought not at all to pass upon that: if it be less than divine, it must not be given to God; if it be not less, it must not pass upon that which is not God. If it be less, it is impiety when it is offered to the prototype; if it be the same, and not less, it is idolatry when it is offered to the image.

26. But I need not make use of both parts of the dilemma; for it is certain, that every relative worship must be the same in the middle and the end; and it is confessed by most of those, who worship God and his Christ, and his saints, by images, that the same honour is given to both. "Eundem honorem deberi imagini et exemplari," says Almain; "ac proinde imagines Sanctæ Trinitatis, Christi, et Crucis cultu latriæ adorandas esse;" "The images of the Trinity, of Christ, and of the cross, are to be adored with divine worship."—The same is the opinion of Alensis, Aquinas, Buonaventure, Albertus, Richardus, Capreolus, Cajetan, Coster, Valentia, the Jesuits of Cologne, Triers, and Mentz, who approved Coster's

opinion, and indeed, generally, of all the Roman schools, if we may believe a great man amongst them; "Constans est theologorum sententia, imaginem eodem honore et cultu honorari et coli quo colitur id cujus est imago," said Azorius[a]: and he supposes this to be the mind of the council of Trent, and insinuated by the second Nicene; and certainly he was in the right. For, though the council of Trent used much caution in their expression of this invidious article, and expressed no particular honour, but that due honour and worship be given to them, yet, when at the latter end of the decree, it approves the second Nicene council, and refers to that in the article; it is plain that the council of Trent intended such honour and worship to be due, as the council of Frankfort said was not due, neither is it to be imagined they durst contradict so constant an opinion, or openly recede from their great Aquinas. They have amongst them many fine divices, to make this seem what it is not; but that which is sufficient, is this, that no distinction, no artifice, will file the hardness off from this: for, whereas, the great thing that they say, is this, that this worship being not for the image, but for God's sake passed through the image, does not give divine honours to the image. But I reply: Is it a divine honour that is given to the image or no? is it the same that is given to God, or is it another? If it be the same, then, though it be not for the image, but for God, yet it is for God that the divine worship is given to the image,—that is, it is for God's sake that what is due to God alone, is given to that which is not God, that is, for God's sake they commit idolatry. But if it be not the same, then how do they worship God by the image? "Idem est motus ad imaginem et exemplar," says Aristotle; and upon this account they suppose what is done to the image, accrues to God; but, then, as they must take care that nothing be given to God that is less than himself, I mean that he be not worshipped with less than a divine worship; so they may also remember, that by one motion and act of worship, they cannot give less to the image than they do to God; whatsoever is less than another, is not the same with another; if, therefore, the worship given to the image be in any sense less than that which is given

[a] Institut. Moral. part. 1. l. 9. c. 6.

to God, then it is not the same; if it be not the same, then by the same motion, by the same act of worship, there are two kinds of worship given, which is a contradiction, that one should be two; and also evacuates their great pretence of the reasonableness or possibility of doing worship to God by an image, because upon this account the same does not pass at once to both.

27 (4). A good man is more an image of God than any painter or engraver can make; but if we give divine honours to a good man, it were idolatry; therefore, much more, if we give it to an image. I use this instance to take off the trifle of worship 'relativè,' and worship 'terminativè;' for if we should offer sacrifice to a man, build temples and altars to him over against his doors, burn lamps, make vows, appoint holidays, processions, litanies, institute fraternities, give him the appellatives of honour which we usually ascribe to God,—it would not serve our turns to say, 'we do it to God whose image this man is, and we intend the honour to God finally; there it rests, it only passes through the good man, to be united to the glories of God;' it were idolatry without all contradiction. I find that acts of humility have been done to the poor, for Christ's sake, and the actions were referred to Christ, just as all other acts of charity and alms use to be; but if divine honour be done to them, it is so far from being entertained by God as the correlative of that worship, that it is a dishonour to him; he being curious of his own peculiar, and having given no warrant, no instance that can amount to any thing of that nature, and he will be worshipped, as Plato's expression is, τῷ μᾶλλον ἀρέσκοντι τρόπῳ; "in that way" (not that we choose, but) "that he best likes." He that will pass worship to God by the mediation and interposition of a creature, must do it by using that creature in all the endearments and regards for God's sake, of which it is capable. Thus, 'by reverencing the grey head, and rising up to him,' we do honour to the great father of men and angels; by relieving the poor, we do honour to Christ; but neither is Christ honoured by us, if we have made a rich present to a king for Christ's sake, or call a poor beggar, "My Lord;" but when, for God's sake, we pass those regards to several estates of men, which are the best usages which prudently they can require,—then the

good we do to them, whether it be honour or relief, relates to God; but for God's sake to give divine honours to a man, is, as if to honour the master, we made his servant equal; or, out of reverence to the body, we should wear the shoe upon our head. And this argument must needs conclude against the worshippers of images; for, although Vasquez, and I think he alone, of all the world, owns the worst that this argument can infer, and thinks it lawful to give divine worship relatively or transitively to a man; yet when that whole church excuses their worshipping of saints, by saying they give only such veneration to them as is proportioned to them, not 'latria,' but 'dulia,' that is, not divine worship in any sense, for so they would be understood to speak and do; it must needs be certain, that this argument is not to be answered, nor yet to be outfaced. However, this is certain, that when the Arians, who believed Christ to be a mere creature, though they could not deny but that (according to the express words of Scripture) he was the express and bright image of his Father's glory, yet because they gave to Christ divine honours for his relation sake to his Father the Eternal God, they were by the fathers of the church expressly called idolaters, as is to be seen in the first, third, and fourth orations of St. Athanasius against the Arians, and in St. Cyril in Joh. l. 9. c. 41. and divers other places; and whatever Vasquez, or any man else is pleased to think of it,—yet St. John was twice rejected by an angel, when he would have given divine honour to him, when he would have worshipped him; and yet that angel represented God, and was the servant of Jesus. And upon this account we may worship every creature: every fly, every tulip, even the onions of Egypt; for every plant is more an image of God than a dead piece of metal or marble can be:—

Præsentemque refert quælibet herba Deum.

And it is in images, as it is in the matter of oaths, of which our blessed Saviour said, that "he that swears by heaven, or by the earth, by the temple, or by the gold, it is all a case:" it all alike refers to God, and does him dishonour, if the matter be vain or false; so it is in images:—every creature of God represents him, and is capable of transmitting honour to him, as a wooden image: and yet because the best images of God

are not susceptive of divine honours so much as by relation, much less shall the worse images: and if it be idolatry to give such to a man, though with an intuition upon God,—to do so to a dead image, which hath less likeness to God, cannot be put off by a distinction and a vain imagination. I will not aggravate the evil practices or doctrines which are in the church of Rome, concerning this question, but it is obvious to observe, that although this distinction of 'relativè' and 'terminativè' is invented by superstitious persons to make the question hard, and to themselves greater opportunity of quieting the scruples of tender persons: yet they do give, and openly profess to give, divine honours to that which is no god, which I thus demonstrate. The cross on which Christ suffered is but a creature: but to the image of this they give a relative divine honour; therefore to the exemplar, which is that cross whereof the other are but images, they terminate the divine honour. So Jacobus Almain, in the words a little before quoted: "The same honour is owing to the image and the exemplar; and therefore the images of the Trinity, and of Christ, and of the Cross, are to be adored with the worship of Latria: that is, divine." To this purpose is that clause in the pontifical[b], published by the authority of Clement the Eighth; "Crux legati quia debetur ei latria, erit à dextris:"—"The legate's cross must be on the right hand; because 'latri,' or divine honour, is due to it."—Now this, being the image, can challenge but this divine honour relatively; but the cross that Helena found at Jerusalem, was the exemplar: therefore to that the divine worship is due, 'ultimatè et terminativè:' it rests there; which is as downright idolatry as can be defined. But Aquinas proves it ought to be so by this argument, 'that in which we place the hope of our salvation, to that we exhibit the worship of 'latria,' or divine worship:' but in the cross we place the hope of our salvation, for so the church sings,

O Crux ave, spes unica,
Hoc passionis tempore:
Auge piis justitiam,
Reisque dona veniam.

[b] Edit. Rom. p. 672.

"All hail, O Cross, who art our only hope in this time of our suffering: increase the righteousness of the righteous, and give pardon to the guilty."—I could add many more[c] things to the same purpose; but because I intend not an accusation of any one, but institution to every one that needs it, I shall only observe, that this distinction is used with them as miracles and gifts of tongues were; not for them that believe, but for them that believe not; so is this, for strangers, and them that make objections,—not for the obedient that worship images and break the commandment: for they must, or may do more, than give a relative worship: but yet, because it concerns us and them, I add this observation.

28 (5). That if divine worship, or 'latria,' be, in any sense, given to an image, no distinction can save it harmless: for if it be given at all, it is not changed in kind, by being altered in circumstance. It is that kind of worship which all the world understands to be proper to God. Now, whether it be for itself or for any other thing, is nothing but an inquiry, for what cause this incommunicable worship is communicated to them; that is, a looking after the cause of a thing, which no cause can legitimate; and whether this be proper or improper, yet still it is idolatry in one of the senses; whether it be direct or indirect, it still gives but an appellative, and specificates the idolatry: for that which, in its whole nature, is unlawful and unnatural, cannot be lawful in a certain respect. "Idololatræ dicuntur, qui simulacris eam servitutem exhibent quæ debetur Deo," said St. Austin[d]: "He who gives that to an image which is due to God, is an idolater." But he who answers that he does that thing but in this or in this manner, confesses the thing done and tells

[c] Salve sancta facies nostri Redemptoris,
In qua nitet species divini splendoris,
Impressa panniculo nivei candoris.
Salve vultus Domini, imago beata,
Nos deduc ad propriam, ô fœlix figura,
Ad videndum faciem Christi, quæ est pura.

Ave ferrum triumphale, fœlix hasta.
Nos amore per te fixi saucia.

[d] Lib. i. de Trin. c. 6.

you how: but if the manner destroys the thing, then it is not the same worship; and then what need the distinction of the manner, which must suppose the same matter? but if the manner does not destroy the thing, then for all the distinctions it is idolatry.

29 (6). I consider, that, in the first commandment, where atheism, and polytheism, and allotheism, are forbidden directly and principally, and whatever is like it, or even with, or under it; the preface or the reason of it is expressed by God: "I am the Lord thy God;" plainly declaring, that whatsoever is introduced against that commandment, is also against that reason: God is not our God, if we acknowledge none, or if we accept of many, or any other; so that, by this precept and upon this account, idolatry in the object is forbidden. But in the next precept, or (if it be the same with this) in the next periods of this commandment, there is another thing forbidden upon another reason: "Thou shalt not worship any graven image, for I the Lord thy God am a jealous God,"—meaning, that as his being our God infers, that none else must be made our God, or have divine honours done to it,—so the superaddition of this attribute and appellative of God, that as he is our God, so also he is a jealous God, in this very matter of intercourse with us, infers that we must not only do what he bids, but also in his own way; the thing and the manner too are taken care of. And if he had, in the second precept, only forbidden divine worship to be given to any artifice or to any creature; the proper reason for it had been, "for I am the Lord thy God;" but when to other words he puts another reason, it is certain it must mean something new, and not signified in the first periods. But then, because the worshipping of any image of God with divine worship for the sake of the exemplar is that which is nearest and likest the manner of the Gentiles; and does insensibly steal the heart of man away, and depresses our great thoughts of the eternal immense God into the circumscription of any image, and draws the mind from spiritual to material intercourses, and therefore does, by immediate consequence, lessen the honour of God and the propriety of the divine worship, that all this should be forbidden is justly inferred from the reason; for of these things no better reason in the world can be given, than that

God is a jealous God, and will not have his honour, directly or indirectly, given to any thing to whom himself is not pleased expressly to impart it; and, therefore, there is a natural proportion in the reason to the prohibition: for since it is usual in Scripture to call idolatry by the name of fornication or adultery, God is pleased here also to forbid that manner of worship, which he accounts adulterous, and declares he will not endure it, because he is jealous: and let it be imagined, what can be the effect of that reason? something special must be apportioned to it, lest it be to no purpose: but that images be not taken for very God, that they may not finally and for themselves receive divine honour, is the effect of the first reason, and of the first precept: whatsoever is next to this, must be what is also next expressed, that is, not that images be not worshipped for God; but that, in the worshipping the true God, which is commanded in the first period, we do not bow the head and knee before images, which is forbidden in the second periods. And if men were, in their proportion, as jealous of their duty and of avoiding God's anger and escaping the divine judgments, and of preserving their eternal interest, as God is of his honour; they would never so much intricate their duty, and bramle the commandment, and do that which is so much against the letter of it, and against the doctrine of that church to whom the law was given, and against so much reason; and for the doing of which they are forced to use so much violence of answer, such convulsions of distinction. A jealous man will not endure such comportments in his wife; for the justification of which she is so hardly put to it, that she must have half a dozen answers before she can please herself, or think that she does well; and which, after all, will look but like pitiful excuses. But, above all excuses, it would seem the worst, if she should say, 'I do admit another man, but not as my husband, but with a less regard and another sort of complication than I use to him; and that which I do, I do it for his sake, he is so like him that he is his very picture; and he is his very great friend, and what I do is for that very regard.' A jealous man would hardly take this for satisfaction. And if it be considered, that there is nothing so clear but something may be said against it, and παντὶ λόγῳ λόγος ἀντίκειται. 'Every word can

be contradicted by a word;' and then how many presumptions, how many reasons, how many express words, how many ages, and how many religions, do join in the condemnation of worshipping God by an image; it may very well be concluded, that our jealous God will not endure half so much disobedience, wilful ignorance, and obstinacy in such persons as, against so much reason and religion, and for so few and trifling pretences, will worship God and his Christ by images, against the words of his own commandment.

30 (7). If it be inquired, 'how an image can be an idol?' the answer must be: 'by giving to it divine worship, or something that is due or proper to God.'—Now, whoever knows it to be an image of a thing, if he have any use of reason, if he be not a changeling, believes better of the exemplar than of the image; and knows that the worship sticks not in the image: he cannot worship it for itself, but for something to which it relates, or for something that adheres to it, or is derived upon it; still the honour goes beyond the natural or artificial image. The image hath no worth of its own beyond the art or nature; and can be estimated, but as silver, or marble, or carved; and, therefore, no religion passes upon it for its own sake. Since, therefore, whatsoever passes on it, is for the sake of that which it represents, an image that is understood to be an image, can never be made an idol; or if it can, it must be by having the worship of God passed through it to God; it must be by being the analogical, the improper, the transitive, the relative (or what shall I call it?) object of divine worship.—Now that this consideration may have its effect, I shall not need to say that an idol and an image is all one, though that be true in grammar; and Erasmus[e] said that St. Ambrose knew no difference between them, but that every image (made for religion) is an idol; and that he himself saw no difference: but because the church, in some ages, hath supposed a difference, I shall also allow it; but find all the danger of any such allowance taken away by the instance of the brazen serpent, which did pass under both notions; for it was a mere image or representment of a serpent, and the commemoration

[e] In 1 Cor. 8.

of God's delivering his people from them: but when it came to be used in a religious worship, then it was an idol; permitted when it was a bare image, but broken when it passed into an idol. An image or an idol do not differ in themselves but by use and custom of speaking,—the church calling it an image so long as it is used lawfully: but it is an idol when it is used unlawfully, that is, in plain speaking, 'an image is lawful to be made or kept for some purposes, but not for other.' It is lawful for story,—for memory of an absent friend or valued person that is away,—for the moving an affection,—for ornament and the beauty of a place: but it is not lawful to have them, not lawful to make them with designs of ministering to religion or the service and worship of God: which I choose to express in the words of the author of the famous books under the name of Charles the Great[f], "Nos imagines in basilicis positas, idola non nuncupamus; sed ne idola nuncupentur, adorare et colere eas recusamus:"—"We do not call images by the name of idols, but, lest they become idols, we refuse to worship them."—But yet this I add, that although, in the use of the two Greek words, εἰκὼν and εἴδωλον, and of the Latin, 'idolum' and 'imago,' men have troubled themselves with finding material differences,—yet although it might be of some use in inquiring the meaning of the ancient doctors of the church in the question of images, yet it will be wholly impertinent as to the commandment. For God, forbidding images, used the word פסל, which signifies properly a graven image; and because there were more sorts besides this, God was pleased to forbid תמונה, which the LXX. render by παντὸς ὁμοίωμα, 'the likeness of any thing:' and it contains "sculptile, fusile, ductile, conflatile," that is, all sorts of representations, flat or extant, painted or carved; and the force of this word can be eluded by no distinction. But then as to the meaning of these words in the use of the ancient doctors, this is certain: that although, about the time of the second Nicene council, this distinction of 'idolum' and 'imago' was brought into the Christian church, yet it was then new, and forced, made to serve the ends of new opinions, not of truth: for in Tertullian's time there was nothing of it, as appears by his

[f] Lib. iv. p. 18.

words in his book 'de idololatria,' c. 3. "Ad hoc necessaria est vocabuli interpretatio: εἶδος Græce formam sonat; ab eo per diminutivum εἴδωλον deductum æque apud nos formulam fecit. Igitur omnis forma, vel formula idolum se dici exposcit, estque idololatria, omnis circa omne idolum famulatus et servitus:"—"Every image (meaning, of God) is an idol, and all worship and service about them is idolatry."—This is plain, and short. And that, once for all, I may make it clear, that an idol and an image was all one in the sense of the word, and of the ancient church, it is undeniably so used in Cicero[g]; "Imagines, quæ idola nominant, quorum incursione non solum videamus sed etiam cogitemus," &c.: and for the church St. Chrysostom is an authentic witness; for he calls the pictures, by which they then adorned their houses, by the names of idols, οἰκίας κατασκευάζομεν, εἴδωλα πανταχοῦ καὶ ξόανα ἱστῶντες, "we trim our houses, placing every where idols and pictures."

31. Upon this account we may understand the meaning of the primitive fathers, who would not endure that a picture should be made, or kept;—who condemned the art itself, as deceiving and adulterous, who said that God forbade the very trade itself. So Tertullian[h]; "Jam vero ipsum opus personarum, quæro, an Deo placeat, qui omnem similitudinem vetat fieri, quanto magis imaginis suæ?"—"Can the making visors please God, who hath forbidden all similitudes or images and pictures to be made, and how much more any image of himself?"—"Nobis enim est aperte vetitum fallacem exercere;" said St. Clement[i], speaking of pictures and images, the very art is forbidden to Christians. The same is affirmed by Origen[k]; and long after by St. Chrysostom[l]; but Tertullian said that the devil brought painting and carving into the world; and adds, "Toto mundo ejusmodi artibus interdixit servis Dei,"—"that God hath forbidden to all his servants in all the world to use such arts."—But they are to be understood by their own words, spoken when they had the same reason and less heat; for that the very making of images was forbidden by God by way of caution only and provision, not for any turpitude or unreasonableness

[g] De fin. i. c. 6. Davis. Rath. p. 22.
[i] Stromat. lib. vi. et in Protrep. p. 41. edit. Paris.
[k] Lib. iv. con. Cels.
[h] De spect. c. 23.
[l] De idol. c. 3.

in the thing, but for the danger which then was pregnant, themselves affirm: "Similitudinem vetans fieri omnium—— ostendit et causas, idololatriæ, sc. substantiam cohibentes: subjicit enim 'non adorabitis ea,'" &c. So Tertullian[m].—To the same purpose is that of Origen; speaking of the Jews, "There was no painter or statuary admitted into their cities, their laws driving away all this kind of people," "Ne qua occasio præberetur hominibus crassis, neve animi eorum à Dei cultu avocarentur ad res terrenas per hujusmodi illecebras:" "lest any occasion should be given to rude people of drawing their minds from the pure worship of God to earthly things." Now if this sense was also in the commandment, it is certain that this was but temporary; and, therefore, could change: and that it was changeable appears in this, that God, by a divine spirit, assisted Bezaleel and Aholiab in the like curious arts: and by other instances which I have already reckoned[n]. Now this sense and severity might perpetually oblige the Jews; because, during the whole abode of their synagogue, there was almost an equal danger by their perpetual conversation with idolatrous nations; and, therefore, it was very well said of Tertullian[o] in the matter of the brazen serpent, "If thou regardest the law, thou hast God's law, 'make not the likeness of any thing:' but if thou considerest that afterwards Moses did command them to make the likeness of a serpent, do thou also imitate Moses, and against the law make no likeness, unless God also give thee a commandment as he did Moses:" —meaning that the singular example was no prejudice to the law: "Exceptio firmat regulam in non exceptis." This part of the commandment was by God dispensed with in that instance, and in a few more; but these few confirm the rule in all things and instances, besides themselves, for they say, that without God's leave we may not break this commandment. In Tertullian's time this very necessity did still abide, and therefore they had the same zeal against images and "whatsoever gave substance to idolatry;" that is Tertullian's phrase for painters and statuaries. But then this also is to be added: that all those instances, in the Old

[m] Lib. ii. c. 22. adv. Marcion.
[n] Sup. r. vi. n. 10.
[o] De idol. c. 5.

Testament, of the brazen serpent, the bulls, the pomegranates, the cherubim, the curious works of Bezaleel, are not to be used as arguments against the morality of the second commandment: because these were single causes, and had their special warrant or approbation respectively from the same fountain, whence the prohibition came; at least let them prevail no further than they ought; let them mean no more than they say, and let us go no further than the examples: by which we find images made, for other uses, but not for worship: and, therefore, the commandment may be moral in all the periods of it, this only excepted which relates to the making of them.

But when we consider further, that Solomon caused golden lions to be made about his throne, and the Jews imprinted images on their money, and in Christ's time they used the images of Cæsar on their coin, and found no reprover for so doing, this shows that there was something in the commandment, that was not moral; I mean the prohibition of making or having any images. For to these things we find no command of God, no dispensation, no allowance positive; but the immunity of reason, and the indemnity of not being reproved: and, therefore, for so much as concerns the making or having pictures and images, we are at liberty, without the warranty of an express commandment from God. The reason of the difference is this: the first instances (excepting that of the brazen serpent, which, because it was to be instrumental in a miraculous blessing, must suppose a divine commandment, like a sacrament or sacramental) were of images used in the tabernacle or temple, and so came within the verge of religion; and, for their likeness to the main superstition, might not be ventured upon without special leave or approbation: and, therefore, God gave command for the images of the tabernacle, and, by his majestic presence in the temple, approved all that was there. Upon what confidence Solomon ventured upon it, and whether he had a command or no, I find not recorded; but, 'ex post facto,' we find it approved. But for the other images, which related wholly to civil use; right reason, and the common notices of things, was their sufficient warrant; while they could have no end in disobedience, no temptation to it, no reward for it; when it did not contradict any natural

or religious reason; there was no danger of idolatry, no semblance of superstition. So that the result is this: the Jews were forbidden to make or have any images; and this was because of their danger: but this was no moral law. But the very making and having them for worship is forbidden, as the thing itself is. Just as adultery and wanton looks are forbidden in the same commandment, and are acts of the same sin,—so is worshipping and having them for worship; it is that which St. Paul calls in the matter of uncleanness, making provision for the flesh, to fulfil the lusts thereof." Making images and pictures to this end, is providing for the flesh: for this also is fornication and spiritual whoredom. And as we may look upon a woman, and be innocent, so we do not look upon her for lust,—so may we have or make pictures and images; but for worship, we may not: and, in this sense of the words, even this period of the commandment is also moral, and obliges us as much as the Jews: but if those words did, abstractedly and without their relation, bind the Jews, it did never bind us but by way of caution and prudence; that is, when we are in the same dangers as were the Israelites, in the rudeness and infancy of their church especially. And this we find in Tertullian; that when he had affirmed the very art of painting and engraving to be unlawful,—to them who inquire what then shall the poor men do, who have no other means to get their living? he answers, 'let them paint tables and cupboards, and remove their art from danger of religion to necessary and fit provisions for life; let them do things as like as they were enabled by their art, so they were unlike the violations of religion:' and therefore the church celebrates, on the eighth of November, the memory of Claudius Nicostratus, and their fellows, who chose to die rather than make images for the heathen temples; they were excellent statuaries, but better Christians. By which it is plain, that he means the very art, as it is ministered to idolatry; for abstracting from that ministry and that danger it was lawful enough:

> Qui fingit sacros auro vel marmore vultus,
> Non facit ille Deos; qui colit, ille facit.

He that worships the image, he makes it an idol; and he

that designs any assistance to the idolatry, or knowingly ministers to it, he adopts himself into a partnership of the crime. To which purpose was that of Tertullian[p], "Facio (scil. imagines) sed non colo:—quasi ob aliam causam colere non audeat, nisi ob quam et facere non debeat, scilicet ob Dei essentiam utrobique: imo tu colis, qui facis ut coli possint." He answers the objection of them that say, 'I make images, but I do not worship them;' "as if," says he, there were any reason forbidding thee to worship them, but the same for which thou oughtest not to make them; I mean, the omnipresence of God. Nay, thou worshippest them, who makest them that they may be worshipped."—But in all other senses, the making a picture is not making an idol; and, therefore, that severe sense of the commandment, though as it is most probable, it did oblige the Jews, and all persons in equal danger; yet because the reason may cease, and the danger be secured, when it is ceased, the obligation also is null; and, therefore, though that was in the commandment, yet it is no part of its morality: but that excepted, every other clause is moral and eternal.

32 (8). And all this is perfectly consenting to the analogy of the Gospel, which is a spiritual worship, unclothed of bodily ceremonies, stripped naked of beggarly rudiments, even those which God had commanded in the old law; Christ placed but two mysterious ceremonies in the place of all the shadows of Moses; and since Christianity hath shook off that body and outsides of religion, that law of a carnal commandment, that we might 'serve God in spirit and truth,' that is, proportionable to his perfections, it cannot be imagined that this spiritual religion, which worships God in praises and love, in charity and alms, in faith and hope, in contemplation and humility, in self-denial and separations from all corporeal adherences that are not necessary, and that are not natural, —I say, it cannot be imagined that this spiritual religion should put on a fantastic body, which, as much as it can, separates from a real: that Christianity should make a visor for God, who hath no body, and give that to him which the heathens gave to their devils: "Dæmoniis corpora contulerunt;" "they gave a body to their dæmons," says Tertul-

[p] De Idol. c. 6.

lian[q], when they made images to them; that he who, under the law of carnal ordinances, could not endure an image, should yet be pleased with it under the pure and spiritual institution of the Gospel. A Christian must γνησίας θεραπείας ἀσπάζεσθαι, "worship God with genuine and proper worshippings," that is, ψυχῇ ψιλῇ καὶ μόνῃ θυσίᾳ, "with the pure and only worship of the soul." Now if the ceremonials of Moses were contrary to this spirituality, and, therefore, was taken away by the Gospel; it cannot be imagined, that images, which are more contrary to a spiritual worship, should be let in by Christ, when they were shut out by Moses. To this purpose they are excellent words, which were spoken by Clemens Alexandrinus[r]: "Moses, many ages before, made a law, that there should be no graven, no molten, no painted image or likeness of a thing made amongst them, that we should not attend sensible things, but pass to those which are perceived by the understanding only. For the daily custom of seeing him (in effigy) makes that the majesty of God becomes vile and contemptible, and by material substances (gross images) to worship that essence, which is only discerned by the mind, is, by the sense, to undervalue the eternal mind."

33 (9.) And, upon these accounts, we find that the Christians were great haters of image-worship, and even of images themselves: and did deride the heathen follies, who, in the midst of their witty disputations and wise discourses of God, did so unman themselves, and baffle their own reason, as to worship this invisible God by looking upon a contemptible image. To this purpose Origen discourses wisely[s]; "God hath chosen the folly of the world, those amongst the Christians whose lives were most simple, modest, and more pure than that of the philosophers, that he might put to shame those wise men, who blush not to speak to lifeless trunks, as if they were gods, or images of the gods. For what sober man does not easily discern him, who, after his excellent and philosophical discourses of God, or of the gods, does presently look upon images, and offers prayers to them, or by the beholding them as some conspicuous sign, strives to lift up his mind to the imagination of an intelligible deity? But

[q] De Idol. c. 7. [r] Stromat. 5. [s] Con. Cels. lib. 7.

the Christian, though but unlearned, yet he believes verily that the whole world is the temple of God, and he prays in every place, shutting his bodily eyes, but lifting up the eyes of his mind—and being rapt, as it were, beyond this world, he makes his prayers to God for great things." This is the advantage, the spirituality, and devotion of the Christian. Concerning which it were easy to bring many ancient testimonies: which whoever is desirous to see, may find them frequently in the fathers of the four first ages; but especially in Irenæus, lib. i. cont. Hær. c. 24.—Origen, lib. vii. contr. Cels.—Tertul. de Idol. c. 5.,—and de Coron. Mil.,—and de Spectac. c. 23.—Clemens Rom. Recogn. lib. v. —and Clem. Alex. Strom. I, et 5.—S. Chrysost. in Synod. 7. act. 6.—and in 1 Cor. viii.—Epiph. Hær. 29.—Amphiloch. apud Syn. 7, action. cad.—Optatus, lib. iii, contr. Donat.—S. Ambrose, ep. 31. ad Valent.—S. Austin, in Psal. 113: all which speak of this article so as needs no commentary, and admits of no evasion, decretorily, and dogmatically, and zealously.

34. Now against this heap of plain testimonies, there is not any one clear sentence and dogmatical proposition to be brought; and if there could be brought forty particular instances of a contrary practice, though there are not three to be had in pure antiquity and in authentic testimony, yet it could not, in any degree, abate the certainty of this doctrine: because the doctors of those ages say, that wherever there is any such thing, it is unlawful. Epiphanius did rend in pieces the veil at Anablatha, near Bethlehem, because it had in it the picture of a man; and this is so notorious, that Alphonso de Castro calls him an iconoclast: but Epiphanius gives this account of it to the bishop of Jerusalem, "Contra autoritatem scripturæ esse ut in Christi ecclesia hominis pendeat imago;" and, "istiusmodi vela contra religionem nostram veniunt:" "It is against the authority of the Scriptures, it is against our religion, that the image of a man, that such veils should be in the church:"—and Lactantius [1] as plainly, "Dubium non est quin religio nulla sit, ubicunque simulacrum est:" "where an image is, it is certain there is no religion:" and St. Austin answers all pretensions to the

[1] Lib. ii. c. de Orig. Erroris.

contrary, which can readily be drawn from antiquity. "I know," says he, "many that are worshippers of pictures, but such as neither know nor exhibit the force of their profession, but they are such who are superstitious in their very religion, such which the church would condemn, and daily seek to correct like little children."—This being the doctrine of the primitive church, if a contrary practice comes in, it is certain it is by corruption of faith and manners. The temples of gods and the images of gods they had in equal detestation; not that they hated public places of worship, but 'templa, non ecclesias,' or 'dominicas;' for we must know, that in the language of the fathers, by 'temples' they did mean such as the Gentiles had; such as the Holy Scriptures [u] call the place of Micah's images, "a house of gods;" according to that famous saying of Isidore, "Templi nulla ratio quod non coronat simulacrum:" "It is no temple that is without an image:" and it is no church that hath one, according to the primitive Christian doctrine: and it was remarkable what is told by Ælius Lampridius, in the life of Alexander Severus, that when Adrian, the emperor, had commanded churches to be built without images, it was supposed he intended them for the service of Christ; than which there needs no greater or clearer instance of the doctrine and practice of the holy primitives.

35. But the best and most perfect account that can be given of the Christian religion in this article, is by the ecclesiastical laws. The council of Eliberis [x], in Spain, made a canon: "Placuit picturas in ecclesia esse non debere, ne quod colitur aut adoratur, in parietibus depingatur:" "Pictures must not be in churches, lest that which is worshipped, or adored, be painted upon the walls." From which plain place Bellarmine, Perron, Binius, and divers others [y], take great pains to escape: it matters not how, as to the question of conscience; it is sufficient what Agobardus, bishop of Lyons, above eight hundred years ago, says in this very particular. "Now error is so grown, and is perspicuous that they approach near the heresy of the Anthropomorphites, and worship

[u] Judges, xvii. 5.

[x] Eliber. can. 36.

[y] Illa (lex) non imprudenter modò, verùm etiam impiè à concilia Elibertino lata est de tollendis imaginibus. Canus loc. Theol. lib. v. c. 4. concil. 4. de Pict. et Imag.

images, and put their hope in them; the cause of which error is, that faith is departed from men's hearts, and they put their confidence in what they see. But as when we see soldiers armed, or husbandmen ploughing, or mowing, or gathering grapes, in picture, or the pictures of huntsmen pursuing their game, or of fishermen throwing their nets, we do not hope to receive from them a mullet, or a month's pay, handsful of barley or clusters of grapes: so if we see winged angels painted, apostles preaching, martyrs dying, we are not to expect any aid or good from the images we see, because they can neither do good nor hurt. Therefore, for the abolishing of this superstition, 'recté ab orthodoxis patribus definitum est,' 'it was rightly defined by the orthodox fathers,' that pictures ought not to be in churches, lest that which is worshipped (viz. God or his Christ), be painted upon their walls." To the same purpose the fathers of the fourth council, at Constantinople, did quote the words of Epiphanius, as we learn from the acts of the second Nicene council [z], in these words: "Take heed to yourselves and hold the traditions which ye have received: decline not to the right hand or to the left: and remember, my beloved sons, that ye bring not images into the churches, nor into the cemeteries of the saints; but by remembrance place God in your hearts." To the same purpose was it decreed by another synod [a], at Constantinople, of three hundred and thirty-eight bishops, under Constantius Copronymus; forbidding all use of images in churches or out of them: and so much of their decree as forbade the worship of images was followed by Charles the Great and the learned men of that age, and confirmed by the synod at Frankfort, where the bishops of Italy, France, and Germany, were called by the emperor to that purpose. To these, if we add the council of Mentz, and the second council of Sens [b], who commanded "populum moneri ne imagines adoret," "that the people should be warned, that they do not worship images,"—we have testimony enough of the Christian doctrine and usages of the best men and the best times.

36. Concerning the Christian doctrine, I suppose myself to have said enough in this article. But, besides the premises,

[z] Syn. 7. act. 6. [a] A. D. 753. [b] Senon. 2. c. 20.

there is something peculiar to be superadded, which concerns both Jews and Gentiles, and the uninstructed laity of the Christians.

37 (1). Concerning the Jews I have already made it appear, that their religion was perfectly against images; but I have two things to add which relate to them: first, that, in the disputations between the Jews and Christian doctors, in the primitive church, they never objected against the Christians, that they either had images or did worship them; as is evident to them that read the conference between Justin Martyr and Tryphon; and in the book which Tertullian wrote against the Jews, and in divers other rencounters; in which the Jew was forward to object all that he could asperse the Christian withal, and he, on the other side, as ready to defend his cause. But not one word, in any of them, of objection against the Christians in the matter of images; which is an evident argument, that the use of images was not as yet known to the church of the first ages.

2. For when the doctrine and manners of the Christians began to be sullied and degenerate; and she who was a pure virgin and dear to Christ, began to fornicate with strange imaginations; the Jew instantly became clamorous and troublesome in the article; professed himself to be scandalized at the whole religion, and, in all disputations, was sure to lay it in the Christian's dish. There was a famous dialogue [c], written a little before the time of the seventh synod, in which a Jew is brought in, thus speaking to the Christian: "Scandalizor in vos, Christiani, quia imagines adoratis: Scriptura quippe ubique præcipit non facere quenquam sibi sculptile, vel omnem similitudinem:" "I am offended at you, Christians, because ye worship images; whereas the Scripture every where commands, that no man should make to himself any graven image, or the likeness of any thing." Of the same accusation, Leontius, bishop of Cyprus, takes notice in his apology against the Jews: and that the Jews make great noises with this accusation of the Christians, and put very much upon it, we may see in the epistle of Ludovicus Carretus, and the catechetical dialogues of Fabianus Fiogus. But this observation is very remarkable out of the Jewish

[c] Syn. 7. act. 5.

Talmud; for in the first part of it, which they call the Mischna, there is not one word of declamation or reproof against Christians in the matter of images (as has been long since observed by learned men): for this was made about two hundred years after Christ, in all which time the Christians did hate images as much as the Jews did. But in the Gemara Babylonicum, which is the second part of the Talmud, that is of authority amongst them, which was finished about five hundred years after Christ, at which time also images began to be received in churches; there and in all the commentaries of the Rabbins, published in the tenth or eleventh age, the Jews call the Christian churches בית עבודה זרה beth havoda zara, "The house of idolatry:" and it will be impossible that ever they can become Christians, so long as they see images worshipped in our churches; and the second commandment left out of the catechisms of those with whom especially they do converse.

38. That which I am to say concerning heathens, is this:—That it is impossible that those Christians who worship images of God, should distinguish their manner of worshipping the true God, from the manner by which the heathens worshipped their gods. For they did not suppose their images to be gods; and therefore they would laugh at the Christians, if they had nothing else to say against them, but that God is not a stone, or metal polished by the engraver's tool. Thus Arnobius brings in the Gentiles, speaking, "Neque nos æra, neque auri argentique materias quibus signa confiunt, deos esse et religiosa decernimus esse numina, sed eos ipsos in his colimus, quos dedicatio infert sacra," &c. "We do not think the gold, or the brass, or the silver, of which we make our images, to be gods; but in these images we worship them."

Hoc Deus est quod imago docet, sed non Deus ipse,
Hoc videas, sed mente colas quod cernis in ipsa.

"The image is not God, but represents him: your eye upon the image, and your mind upon God."—"Quis enim alius est nisi sit plane fatuus, qui hæc deos esse putet, non autem deorum donaria et simulacra?" "None but fools (said Celsus[d]) will call them gods, which are but images of the gods." And it is very pertinent, which Lucian[e] told the

[d] Origen. contra Cels. l. 7.

[e] Lucian. pro imagin.

matron, who took it ill that she was complimented too high, and compared in beauty to the goddesses; I never did (says he), fair lady, compare you to the goddesses, but with their images made by the best workman of stone, or brass, or ivory. And I do not think it impious to compare things with men, if those things are made by men; unless you will suppose that Phidias made Minerva—or that to be the heavenly Venus, which, a great many years ago, Praxiteles made at Cnidus. But take heed, for it is an undecent thing to think such things of the gods, whose true representations (as I suppose) no human industry can make." The same is to be seen in Athenagoras [f], in Arnobius [g], in Lactantius [h], St. Austin [i], and divers others. "Signa ad Junonis Sospitæ cruore manavere," said Livy [k]; "the signs (meaning the images in Juno's temple) did drop blood:" and Clemens Romanus [l] brings in the heathens, saying, "We worship visible images to the honour of the invisible God." And they could sometimes laugh at their gods whom their priests exposed to worship, and yet themselves [m] knew them to have been a plum tree.

> Olim truncus eram ficulnus, inutile lignum;
> Cum faber, incertus scamnum faceret-ne Priapum,
> Maluit esse Deum. Deus inde ego, furum aviumque
> Maxima formido.

'It was a great question amongst the carpenters, whether this wood should be a god or a stool:'—now they that talked thus, knew what that was which their mystic persons called a god; they were sure they could be but images of them. So that these Christians, who worship God by an image, although they otherwise sin against the first commandment than heathens do, who worship false gods, yet they sin equally against the second commandment, and, by images, transmit worship to their God respectively. I do not doubt but the ruder among the heathens did suppose the very image to be their god, or that their god did dwell in their temple, and in their image, or that a divine power was communicated to it:—

[f] Legat. pro Christian. [g] L. 6. adv. Gentes.
[h] L. 2. div. inst. c. 2. in init.
[i] De civit. Dei, l. 8. c 23. et in Psal. cxiii. conc. 2. et l. 3. 3. de doctr. Christ.
[k] Dec. 3. l. 3. [l] Recog. l. 5. [m] Hor. S. i. 8. 1.

Ut pueri infantes credunt signa omnia ahena
Vivere, et esse homines, et sic isti omnia ficta
Vera putant: credunt signis cor esse in ahenis [n].

For some are such very children as to think the wooden puppet to be a wood man; and, therefore, when the prophets discoursed against them in the matter of images, they called them wood and stone, gold and silver, and represented the folly of putting trust in things that had no life, which themselves placed there, which cats did sit upon, and birds built their nests in: but either by these arguments they did reprove those fools amongst them, who did suppose them to be gods indeed (who also sinned directly against the first commandment, and committed idolatry in the object of their worship), —or those better spirits and wiser heads among them, who, though they derided that folly, yet they put their trust in the images, as supposing them invested with power from their God, and that by them he would do them benefit.

3. Now how far differing this is from the practice of Christians, in some times and places, we may guess by the complaints made by learned men, particularly by Cassander, and Polydore Virgil, and Hesselius [o] the regius professor at Louvain; but without the aid of their testimony, it is plain by their public and authorized treatment of their images, they consecrate their images, they hope in them, they expect gifts and graces from them, they clothe them and crown them, they erect altars and temples to them, they kiss them, and bow their head and knee before them, they light up tapers and lamps to them, which is a direct consumptive sacrifice, "et reliquam observationem circa eas, similiter ut gentes, faciunt;" "they do to their images as the heathens do to theirs;" they are the words of Irenæus, by which he reproves the folly of some that had got the pictures of Christ and Pythagoras, and other eminent persons. But that which is most to be reproved, and can be less excused, is their prayers [p] and forms of dedicating their golden or wooden images; "Sanctify, O God, this form of the blessed Virgin, that it may bring saving help to thy faithful people, that thunders and lightnings may be driven away the sooner, that

[n] Lucil.
[o] Consult. loc. de imagin. De invent. rer. in Decal. part 1. c. 66.
[p] Pontific. Rom. Vid. Missal. Rom. sub tit. De ritu servan.

immoderate rains or floods, and civil wars, or the invasion of heathens, may, at the presence of this, be suppressed." As bad or worse are in the pontifical, in the dedication of an image of the cross, and of St. John, and at the hallowing the 'Agnus Dei.' Now these things are as bad as can be, and yet done to images (I do not doubt) for their sakes whom they represent; but yet with some regard to the image itself, for so they value our lady of Hales, our lady of Walsingham, of Loretto, of Sichem, Aspricollis, Prunetana, Ardilleriana, more than our lady of Nostredame, or Florence, or St. Denis. Now when the relatives of one term do differ, it is for themselves that the difference is, not for the correlative, which is still the same: and here for the common people to discern the niceties, and the intricate nothings that their learned men have devised, to put a vizor upon this folly, is so impossible, that it will not be easy to make them understand the terms, though a learned man were by them at every cringe they make. They cannot tell whether the worship be to the image or the exemplar; which is prime and which is secondary; they cannot distinguish of 'latria,' and 'dulia,' and 'hyperdulia;' nor can they skill in proper or improper worship, mediate and immediate, univocal, equivocal, and analogical, nor say how much is for this, and how much for that, or which is simple and which is allayed, which is absolute and which is reductive. And although men in the schools, and when they have nothing to do but to make distinctions which nobody can understand, can separate word from word, form from matter, real from notional, the shadow from the body, a dream from a vision, the skin from the flesh, and the flesh from the bone,—yet when they come to action, and clothe their theorems with a body of circumstances, he that attends the present business of devotion and desire, will not find himself able or at leisure then to distinguish curiously; and therefore it was well said of Hesselius of Louvain;—"Images were brought into use for the sake of the laity, and now for their sakes they are to be removed again, lest they give divine worship to the image, or fall into the heresy of the Anthropomorphites:" (he might have added) 'or lest by worshipping God by an image, they commit the sin of superstition and idolatry, breaking the second commandment.' For the same folly, which in the heathens,

was reproved by the primitive Christians, the same is done now-a-days, by Christians to their images. I shall conclude this with a story out of an Italian [q], who wrote commentaries of the affairs of India:—When the poor barbarians of Nova Hispania, in the kingdom of Mexico, had, one day, of a sudden found their idols taken down and broken, they sent four principal persons of their country to Alphonso Zuasus, the licentiate, who had commanded it; they complaining of the injury supposed also, and told him they did believe it to be done without his consent or knowledge, as knowing that Christians had idols and images of their own, whom they valued, and adored, and worshipped: and looking up, and espying the image of St. Sebastian, whom Alfonsus had in great veneration, hanging by his bed-side, they pointed at him with their finger, saying, the same regard which he had to the image of St. Sebastian, the same they had to theirs. The governor being troubled with this quick and not barbarous discourse, turned him about a little, and at last told them, that the Christians did not worship images for their own sakes, but as they represented holy persons dwelling in heavenly places: and, to demonstrate, that took down the image of St. Sebastian, and broke it in pieces. They replied that it was just so with them; and that they were not so stupid to worship the images for their own regards, but as they represented the sun and moon, and all the lights of heaven. Alfonsus being yet more troubled, was forced to change the state of the question, by saying that the object was differing, though the manner was not; that the Christians did, by their images, pass honour to the great Creator of the world; but they did it to creatures, to evil spirits, and false gods: which was indeed very true, but it was a removing the question from the second commandment to the first. For, although, in relation to the first, the heathens have the worst of it; yet as to the second, these Christians and the poor Indians were equal: and the wit of man cannot tell how they differ.

40. But I shall add this, that though it be impossible to know how the worship of God by an image should come

[q] Pietro Martire. Hist. delle Ind. l. 20. c. 11.

into the world: unless it be, as Tertullian said of the very art of making images, that 'it came from the devil;'—yet it is observable, that it never prevailed any where but in a degenerating people. The Jews at first were pure worshippers of the God of their fathers, but at any time when Satan stood at their right hand and made Israel to sin, then they would play the fool with images. In the purest times of Christianity they kept themselves clean from images; but as they grew worse, so they brought in superstition, and worship of images, and so it was amongst the heathens too. While they kept themselves to the principles of their institution and tradition, which they had from the patriarchs of nations, who had been taught by God, and lived according to nature; they worshipped God simply and purely.

Si Deus est animus——
Hic tibi præcipue pura sit mente colendus.

"A pure and immaterial substance is dishonoured by any worship but that of a pure and a holy mind;"—and the ancientest Romans, for one hundred and seventy years together, worshipped without an image, said Varro; who adds this judgment of his own, "quod si adhuc mansisset, castius Dii observarentur:" "if the same had been still observed, the gods had been more purely, more chastely worshipped." The word which Varro uses, is very proper, and according to the style of Scripture, which calls idolatrous worshippings by the name of fornication. But Varro adds this reason, "Qui primi simulacra Deorum populis posuerunt, eos civitatibus suis et metum dempsisse, et errorem addidisse." The introduction of images brought in error, and cast out fear:

Stulte verebor ipse cum faciam Deos:

"if I worship what I make, I will not fear what I worship."—"Well and wisely did he suppose (said St. Austin) that the greatness of their gods might soon become despicable by the foolishness of images:" and it might reasonably prevail against the old superstition to suppose, that he who governed all the world, ought to be worshipped without an image. The same testimony we have in Plutarch in the life of Numa: "The gods had houses and cells, but no images, as supposing it to be impious to express the greatest things by the basest;

and knowing that there is no other way of coming to God but by the mind."

41. From hence I infer, that neither God nor nature, neither reason nor religion, brought images into the worship of God; but it was the invention of superstitious men, or rather of the enemy of mankind, that he might draw the heart of man from contemplation of the invisible, and depress it to low phantasms, and sensible adherences, to diminish the fear of God, and to produce confidences in dead substances clothed with accidents of art; to amuse the foolish, and to entertain the weakest part of him that is wiser, and that religion might be capable of tricks and illusions, which could not happen to immaterial and spiritual worshippings. But that all the reason of the world is against it, may be the rather presumed, because, although the patrons of images offer at some reasons for the use of images in story and ornament and instruction,—yet no man pretends to any reasonableness of worshipping God by an image, or giving God's due to an image. Some of them say, that 'the same worship passes from the image unto God, and therefore it is lawful, and God is not dishonoured:' but upon no reasonable account can it be said, that therefore it is good, that it pleases God, that it promotes his honour, that it is without danger; and however any man may intend to pass the relative honour that way, yet no man hath any warrant that God will accept it, or that he will endure it, that way; that he will receive his sacrifices most readily, when they are first washed (shall I call it? or fouled) in the Borborus, by the pollutions and abominations of images: for that they are called so in Scripture, is evident; but they are never commended there, not one good word of them is there recorded: but of the worship of them nothing but prohibition and execration and foul appellatives. There is no necessity of it, no advantage by it, no man is helped by it, no command, no license, no promise, no Scripture for it; all the religions that ever God did institute, are expressly against it; and to sum up all, it is against the law of nature: of which I need no other witnesses but the testimony of all those wise personages, who affirm the two tables of Moses to be moral in every precept, excepting that of the sabbath, and to be of

the law of nature. So Irenæus[r] expressly: so Tertullian[s], St. Cyprian[t], Origen[u], St. Austin[x], and generally all antiquity. The sum of all I express in the words of St. Paul, ὁ Θεὸς ὁ ποιήσας κόσμον οὐκ ὑπὸ χειρῶν ἀνθρώπων θεραπεύεται. "God is not worshipped with men's hands," that is, with the productions of art and imagination.

42. I conclude, that the second commandment is a moral and natural precept in the whole body and constitution of it, if the first words of it be relative to the last; that is, if the prohibition of making images be understood so as to include an order to their worship: but if these words be made to be a distinct period,—then that period was only obligatory to the Jews, and to Christians in equal danger, and under the same reason; and therefore can also pass away with the reason, which was but temporary, transient, and accidental: all the rest retaining their prime, natural, and essential obligation.

Of the Jewish Sabbath, and the Lord's Day.

43. There is one instance more, in which the rule is more apparently verified; which I mentioned a little above: and that is, the precept of the sabbath: which God instituted for many reasons. 1. To be a perpetual memorial of the creation, and that God might be glorified in the works of his hands by the religion of that day. 2. To preserve the memory of their deliverance from the captivity of Egypt[y]; and upon the same account, to do ease and remission τοῖς δούλοις λογικοῖς καὶ ἀλόγοις "to servants reasonable and unreasonable." R. Moses Ben Maimon, in his More Nevochim[z] affirms, that the end of the sabbath is, "Septimam vitæ partem homini præstare liberam, et vacuam à labore et defatigatione, tum conservare et confirmare memoriam et fidem creationis mundi;" "that we should spend the seventh part of our life in ease and rest; and preserve the faith and memory of the article of the world's creation;"

[a] Ἕβδομον ἦμαρ ἕην καὶ τῷ τετέλεστο ἅπαντα [a]

[r] Lib. iv. c. 31. 32.
[s] De Idolatr. lib. iii.
[t] Ad Quirin. c. 59. & c. 1. de Exhort. Martyr.
[u] Origen Hom. 8. in Ex. lib. 15.
[x] Contr. Faust. c. 4. & 7.
[y] Deut. v. 14.
[z] Lib. iii. c. 43.
[a] Homer.

because upon the seventh day all things were finished: and therefore according to that of Linus cited by Eusebius,

Ἑβδόμη εἰν ἀγαθοῖς, καὶ ἑβδόμη ἐστὶ γενέθλη.
Ἑβδόμη ἐν πράγεσι, καὶ ἑβδόμη ἐστὶ τελείη.

"The seventh day is the day of the world's nativity, or the feast of its birth, it is the chiefest and most perfect of days." 3. St. Austin[b] hath another fancy; and he intends to offer at no higher rate: "Dici probabiliter potest, observandum sabbatum Judæis fuisse præceptum in umbra futuri, quæ spiritualem requiem figuraret, quam Deus, exemplo hujus quietis suæ, fidelibus, bona opera facientibus, arcana significatione pollicebatur:" "It may be said, probably, that the precept of the sabbath to the Jews was a type and shadow of that spiritual rest, which God by his example did, by a secret signification, promise to the faithful that did good works." I acknowledge that there is a fair proportion in the sign and in the thing signified; but whether this was so intended by God, or so understood by the Jews, is but 'probabiliter dictum,' a probable conjecture taken only from the natural similitude of the things.

44. But allowing this: the consequent of all will be; that what was for temporary reasons established, cannot pass an eternal obligation. Concerning which it is to be observed, that those are to be called temporary or transient reasons, not only when the thing ceases to have a being; such as those laws which were to separate the Jews from the Gentiles, and those which related to the tabernacle, or the land of their dwelling, or the manner of their sacrifice, or their addresses to their chief city; for these cease by subtraction of the matter and the natural abolition of the material cause; because the wall of partition is taken down; and the law of ceremonies is abolished, and the people are exterminated from their country, and their sacrifices are ceased, and their city is destroyed, and their temple burnt: but that reason also is transient and temporary, which, in a like instance, passes into a greater of the same kind. Thus the deliverance of Israel from the Egyptian bondage, though being a matter of fact, it is eternally true that it was once done, yet it is a

[b] S. Aug. lib. iv. de Genes. ad lit. c. 11.

temporary transient reason; because all God's people now rejoice in a greater deliverance and from a bondage that was infinitely worse,—from the slavery of sin, and the powers of hell. And thus also the great reason of the sabbath, I mean God's rest from the works of the creation, is a temporary, transient reason; because there is now a new creation; "vetera transierunt," "old things are passed away and all things are become new;" and the Gospel is νέα κτίσις, 'a new creation,' and our natures are regenerate, and reformed, and made with new principles of a new life to higher ends than before; and, therefore, though the work of God's creation is to be remembered and God to be glorified by us in his works, yet when there is a greater reason, the solemnity must relate to that, and the lesser duty can be well served by that day, which can also minister to the greater.

45. And therefore we find that something of this very reason is drawn into the observation of the Lord's day, or the first day of the week by Justin Martyr[c], τὴν τοῦ ἡλίου ἡμέραν κοινῇ πάντες τὴν συνέλευσιν ποιούμεθα, ἐπειδὴ πρώτη ἐστὶν ἡμέρα, ἐν ᾗ ὁ Θεὸς τὸ σκότος καὶ τὴν ὕλην τρέψας κόσμον ἐποίησε, καὶ Ιησοῦς Χριστὸς ὁ ἡμέτερος σωτὴρ τῇ αὐτῇ ἡμέρᾳ ἐκ νεκρῶν ἀνέστη. "We celebrate conventions or assemblies commonly upon the Sunday, because it is the first day in which God separated the light from the darkness, and made the world, and on the same day Jesus Christ our Saviour arose from the dead."—The first of these looks more like an excuse than a just reason; for if any thing of the creation were made the cause of a sabbath, it ought to be the end, not the beginning; it ought to be the rest, not the first part of the work; it ought to be that which God assigned, not which man should take by way of after justification.

46. But in the precept of the sabbath, there are two great things. One was the rest, the other the religion of the day. The rest was in remembrance of their deliverance from Egypt; and therefore they kept their first sabbatic rest upon the very day in which their redemption was completed, that is, as soon as ever Pharaoh and his host were overthrown in the Red Sea; and this because it was external, ritual, national, relative, and temporary, abused by superstition, and

[c] Apol. 2.

typical o something to come, without all contradiction is so perfectly ceremonial and consequently abrogated, that there can be no greater wonder than to see some Christians such superstitious observers of the rest of that day, that they equal even the greatest follies of the Jews: who, as Munster out of the Rabbins observes, thought it unlawful to put an apple to the fire to be roasted upon that day, and would not pour out wine upon mustard-seed, nor take a clove of garlic from its skin and eat it, nor thought it lawful to pursue a skipping flea, nor to kill any creeping thing that had variety of sexes, nor to climb a tree lest they break a bough, nor by singing to still the crying of a child, nor to play upon the harp, nor by walking on the grass pluck up a leaf with the shoe. These, trifles as they were, such which even the Jew was no ways obliged to, so they are infinitely against Christian liberty and the analogy and wisdom of the religion,

47. But the Jews say that Enoch and Noah, Abraham and Jacob, kept a festival to God, a memorial of the creation. If so, yet we find no rest observed by them, nor any intermission of their journeys; but it is reasonable to believe, that by some portions of their time, they did specially serve God, as well as by some actions of their life, and some portions of their estate: and to this it is not improbable that Moses did relate, when, to the words in Deuteronomy, "Remember to keep the day of the sabbaths to sanctify it," he added ὃν τρόπον ἐνετείλατό σοι Κύριος ὁ Θεός σου, "according as the Lord thy God had commanded thee," meaning, at the beginning of the world: but in this part of the precept there was nothing of rest, but much of holiness and proper sanctification.

48. Now concerning this, the resolutions will be easy; that God should be served and glorified by us is a part of natural and essential religion; this cannot be done with nothing; there must be bodies, and gifts, and places, and time to do it in: the patriarchs did bind themselves, or were bound by God, to certain circumstances; for that which is indefinite and unlimited, shall neither be done constantly nor regularly: but since the day of the creation's ending was afterwards made the rule of fixing a day, it is also probable, that that also was the limit and rule for the patriarchs' religious solemnity: this indeed is denied by St. Iræneus, and Tertullian, and some others, affirming that the patriarchs who kept no

sabbath, were yet pleasing to God: but because certainly it was so to the Jews, upon a reason which though it can be involved in a greater, yet it cannot totally be forgotten; it is more than probable that the religion of the day must never be forgotten; but God must have a portion of our time for his service, and the blessing which they were both in and before the law, to commemorate, must also, by implication or else expressly, be remembered.

49. Upon this or some equal account, the primitive Christians did keep the sabbath of the Jews; not only for their compliance with the Jews till the distinction were confessed and notorious; but because the moral religion, which was served by that day, was not brought into the religion of the Lord's day as yet; therefore the Christians, for a long time together, did keep their conventions upon the sabbath, in which some portions of the law were read[d]: and this continued till the time of the Laodicean council[e]; which also took care that the reading of the Gospels should be mingled with their reading of the law: which was, in a manner, the first public reasonable essay of uniting the religion of both days into one.

50. At first, they kept both days with this only difference,—that though they kept the sabbath, yet it was after the Christian, that is, after the spiritual manner: in these exuberancies and floods of religion, which overflowed their channels, one day of solemnity was not enough: but besides that they, by their sabbath meetings, had intercourse with the Jews in order to their conversion, and the Jewish Christians, in order to the establishment of their religion, they were glad of all occasions to glorify God: but they did it without any opinion of essential obligation; and without the Jewish rest; and upon the account of Christian reasons. Of this custom of theirs we find testimony in Ignatius[f], ἀλλ' ἕκαστος ἡμῶν σαββατιζέτω πνευματικῶς μελέτῃ νόμου χαίρων, οὐ σώματος ἀνέσει, δημιουργίαν Θεοῦ θαυμάζων, οὐχ ἕωλα καὶ χλιαρὰ πίνων, καὶ μεμετρημένα βαδίζων, καὶ ὄρχησει καὶ χοροῖς, νοῦν οὐκ ἔχουσι, χαίρων. That was their way of observation of the sabbath: "Let every one of us keep the sabbath spiritually; delighting in the meditation of the law, not in the ease of the body, won-

[d] Acts, xv. 21. [e] Can. 16. A. D. 364. [f] Epist. ad Mag.

dering at the works of God, not in indulging to delicious banquets, and softer drinkings or dancings that do not better the understanding."—So that they kept the sabbath, not as did the Jews; who, as Munster affirmed, supposed it to be a keeping of the sabbath, if they wore better clothes, or ate more meat, or drank the richest wines: idleness and luxury, and pride, are the worst ceremonies of the religion of the sabbath; the proper employment of that day is religion, which the Jews, and from them some of the most ancient Christians, signified by 'meditation of the law.' But then he adds; Καὶ μετὰ τὸ σαββατίσαι ἑορταζέτω πᾶς ὁ φιλόχριστος τὴν κυριακὴν τὴν ἀναστάσιμον, τὴν βασιλίδα, τὴν ὕπατον πασῶν ἡμερῶν. "After they have kept the sabbath, let every one that loves Christ, keep the day of the Lord; the day of the memorial of his resurrection; which is the queen and the supreme of all other days." And without further testimony we find it affirmed, in general, by Balsamo, παρὰ τῶν ἁγίων πατέρων ἐξισώθησαν διόλου σχεδὸν ταῖς Κυριακαῖς τὰ σάββατα· "The sabbath day and the Lord's day were, almost in all things, made equal by the holy fathers;" and some of them called them 'brethren:' so Gregory Nyssen;—some, καλὴν τὴν συνωρίδα τοῦ σαββάτου καὶ τῆς Κυριακῆς, so Asterius; "an excellent combination or yoke of the sabbath and the Lord's day:"—and ἡμέρας ἑορτῶν, so the canon of the apostles, 'the feast-days,' which Zonaras[g] well explicates to the present sense, but the constitutions of St. Clement[h] (which is indeed an ancient book) give the fullest account of it; τὸ σάββατον μέντοι καὶ τὴν κυριακὴν ἑορταζέτω, ὅτι τὸ μὲν δημιουργίας ἐστὶν ὑπόμνημα, ἡδὲ ἀναστάσεως: "Let the sabbath and the Lord's day be kept festival; that, because it is the memorial of the creation,—this, of the resurrection:"—and, therefore, whereas it is in the commandment, 'six days shalt thou labour,' &c. he says, that servants are to labour but five days: and upon this account it was, in the Greek church especially, and is to this day, forbidden to fast upon the sabbath and the Lord's day.

51. The effect of which consideration is this; that the Lord's day did not succeed in the place of the sabbath; but the sabbath was wholly abrogated, and the Lord's day was merely of ecclesiastical institution. It was not introduced by

[g] Lib. vii. c. 24. [h] Lib. viii.

virtue of the fourth commandment; because they, for almost three hundred years together, kept that day which was in that commandment; but they did it also without any opinion of prime obligation, and therefore they did not suppose it moral. But there was together with the observation of the day a piece of natural religion, which was consequently moral; that is, a separation of some time for the glorification of God and the commemoration of his benefits.—Not that it can be reasonably thought, that the assignation of a definite time can be a moral duty, or that an indefinite time can be the matter of a commandment: and therefore I suppose it to be unreasonable to say, that although the seventh day is not moral, yet that one day is, or at least that some time be separate, is moral; for that one day in seven should be separate can have no natural, essential, and congenite reason, any more than one in ten, or one in six; for as it does not naturally follow, that, because God ceased from the creation on the seventh day, therefore we must keep that holy-day, so neither could we have known it without revelation; and therefore what follows from hence, must be by positive constitution: now if it be said, 'that it is moral, that some time be set apart for God's service;'—I say it is true, that it is necessary, naturally necessary that it be so, but this cannot be the matter of a special commandment;—because it being naturally necessary that God should be solemnly worshipped, this must suppose a time to do it in, as a natural circumstance, and needs not a commandment; which is sufficiently and unavoidably included in the first commandment, in which we are bound to serve God with religion. The fourth commandment enjoined a definite time, but that was ceremonial and abrogated: but an indefinite time is not a duty of this commandment, but supposed in that, which commands us to worship God. For we may as well worship God, and do no action, as worship him in no time. The definite time here named is taken away, and the indefinite time cannot be a distinct duty, but yet in imitation of the reasonableness and piety of that law, and in commemoration of a greater benefit than was there remembered, a day of more solemn religion was used by the Christian church; for as on the Jewish sabbath, they remembered the creation and their redemption from Egypt: so on the Lord's day, they commemorated the works of God, and their

redemption from sin, hell, and the grave: but the first reason was to yield to the second; as the light of a lesser star falls into the glories of the sun, and though it be there, yet it makes no show, because a bigger beauty fills up all the corners of the eyes and admiration: and now the Lord's day hath taken into itself all the religion, but not the rest of the sabbath; that is, it is a day of solemn worshipping God, and of remembering his blessings, but not of rest, save only as a vacancy from other things is necessary for our observation of this: because, as the Italians say, "Io non puo cantare e portare la croce," "I cannot sing and carry the cross too;" a man cannot at once attend to two things of contrary observation.

52. That we are free from the observation of the sabbath, St. Paul expressly affirms[1]; adding this reason, "Feasts, new moons, and sabbath-days, and meats and drink, are but the shadow of things to come, but the body is of Christ:" where, by the way, let it be observed, that, upon the occasion of this and some other like expressions, the Christians have supposed, that all the rites of Moses were types and figures of something in Christianity, and that some mystery of ours must correspond to some rite of theirs. This fancy makes some impertinences in the discourses of wise men, and amuses and entertains the understanding of many with little images of things, which were never intended, and hath too often a very great influence into doctrines: whereas here the word σκιὰ τῶν μελλόντων, "the shadow of things to come," means, a shadow in respect of the things to come; that is, if these rituals be compared to the τὰ μέλλοντα, 'those things which were to come,' they are but very shadows, and no-things: σκιὰ, or 'shadow,' signifies not in relation, but in opposition, to 'corpus.' 'The shadow,' that is, a religion consisting but in rituals and exterior solemnities;—but Christianity is 'the body,' that is, that durable, permanent, true, and substantial religion, which is fit for all men, and to abide for all ages: and, therefore, Hesychius, by 'corpus Christi,' in this place, understands the word of 'doctrine;' that is, a religion which consists in wise notions, ἐν ἀληθείᾳ, 'in truth,' not in external rituals that signified nothing of

[1] Coloss. ii. 16.

themselves, but something by institution. Others by 'the body of Christ' here, understand 'the Christian church;' in which sense the word is used by St. Paul[k] to the Corinthians: and in this very place it means so, if the words be read, as some Greek copies do, that is, with conjunction and reference to the next verse: τὸ δὲ σῶμα τοῦ Χριστοῦ μηθεὶς ὑμᾶς καταβραβευέτω, &c. "Let no man make a gain of you, who are the body of Christ." However, that St. Paul affirms the customs of the Pythagoreans in abstinence from flesh and wine; and of the Jews, in their feasts and sabbaths, to be no fit matters, in which men are to be judged,—that is, for the not observing of which they are to be condemned,—but to be shadows and umbrages, not substantial parts of religion, is evident by the antitheses, however it be understood; but in order to other purposes, I observed here, that he does not mean they are types and figures; for the Pythagorean vanities did never pretend to this, but they and the other two are but shadows, empty and unprofitable in respect of the religion, which Christ brought into the world. They were ineffective and insignificative; but only present entertainments of their obedience, and divertisements and fixings of their thoughts apt to wander to the Gentile customs; but nothing of natural religion.

53. Now although the primitive Christians did also meet publicly upon the Jewish sabbaths, yet that they did it not by virtue of the fourth commandment, appears because they affirmed it to be ceremonial, and no part of the moral law, as is to be seen in Irenæus, Tertullian, Origen, St. Cyprian, and others before quoted[l]. And in the council of Laodicea[m], the observation of the Jewish sabbath, which, till that time, had continued amongst Christians, was expressly forbidden: "Non oportet Christianos Judaizare et in sabbato vacare, sed operari eos in eadem die, Dominicam præponendo eidem diei. Si hoc eis placet, vacent tanquam Christiani, quod si inventi fuerint Judaizare, anathema sint:" "Christians must not keep the rest of the sabbath, but work upon that day, preferring the Lord's day before it. If they will rest on that day, let them rest as Christians; but if they rest as Jews, let them be accursed:" that is, if they will keep the day holy,

[k] 1 Cor. xii. 27. [l] Numb. 41. [m] Can. 29.

let them sanctify it as Christians should sanctify their day,—that is, only with such a rest as ministers to the opportunities of religion, not so as to make the rest to be the religion of the day.

54. The Jewish sabbath being abrogated, the Christian liberty, like the sun after the dispersion of the clouds, appeared in its full splendour: and then the division of days ceased, and one day was not more holy than another, as St. Paul[n] disputes in his Epistle to the Galatians, and from him St. Jerome[o]; and when St. Paul reproved the Corinthians for going to law before the unbelievers, who kept their court-days upon the first day of the week, he would not have omitted to reprove them by so great and weighty a circumstance as the profaning the Lord's day, in case it had been then a holy day, either of divine or apostolical institution; for when, afterward, it grew into an ecclesiastical law, and either by law or custom, was observed together with the Jewish sabbath, Constantine[p] made a favourable edict, that the Christians should not be impleaded on those two festivals. Of which I only make use to this purpose, that among the Gentiles these were law-days; and, therefore, the Corinthians must needs have been profaners of that day by their law-suits,—and therefore have been, upon that account, obnoxious to the apostolical rod; if the day had then, in any sense of authority, been esteemed holy.

55. But although there was no holiness in any day, yet they thought it fit to remember the great blessings of God, which were done upon certain days. An action cannot be separated from time; it must be done some day or other, and most properly upon the anniversary, or the monthly, or weekly minds; but yet this they did with so great indifferency of observation, that it cannot look less than that there was a providence in it. For although all the Christian church, that kept the Sunday festival, did it, and professed to do it, in remembrance of the resurrection of our Lord,—yet that the day of its memory was not more holy than any day, and was not of necessary observation, it appears by the eastern churches, and all the disciples of St. John, who kept the feast of the resurrection of our Lord, I mean the anniversary,

[n] Gal. iv. 10. [o] In hunc locum. [p] Apud Euseb.

the great, the prime feast, and that which was the measure of all the rest, not upon that day of the week, on which Christ did rise, but on the day of the full moon, whenever it should happen. Now this must needs be a demonstration, that the day of the resurrection was not holy by divine or apostolical institution: the memory of the blessing was to be eternal; and though the returning day was the fittest circumstance, yet that was without obligation; for if the principal was mutable, then the less principal could not be fixed, and this was well observed by St. Austin[q]: "Hoc in iis culpat apostolus, et in omnibus qui serviunt creaturæ potius quam Creatori. Nam nos quoque et Dominicam diem et Pascha solenniter celebramus; sed quia intelligimus quo pertineant, non tempora observamus, sed quæ illis significantur temporibus:" "He first esteemed it to be a serving the creature more than the Creator, to observe any day as of divine institution; but then if it be objected that we also observe the Lord's day and the feast of Easter; he answers, it is not the day we keep, but we remember the things done upon that day."—For the day is indifferent, and hath no obligation. God himself[r] declared his dislike of the religion or difference of days, by an evangelical prophet: and what God the Father did then sufficiently declare, his holy Son finished upon the cross; and his apostles published in their sermons: only such days are better circumstanced, but not better days. The same is affirmed by St. Jerome upon the fourth chapter to the Galatians.

56. But now that we are under no divine law or apostolical canon, concerning the Lord's day, we may, with the more safety, inquire concerning the religion with which it was accidentally invested. St. Cyprian[s] and St. Austin[t] suppose, that because circumcision was commanded to be on the eighth day, it did typically represent the Lord's day, which is the eighth from the creation: the council[u] of Foro-Julium saith, that Isaiah prophesied of this day; and that the Jewish sabbath was the type of this day, was the doctrine of the fathers in the council of Matiscon[x]. "This is the day which the Lord hath made," said the Psalmist, as he is

[q] Contr. Adam. Man. c. 16.
[r] Isaiah, lxvi. 23.
[s] Ep. 59. ad Fid.
[t] Ep. 119. ad Januar.
[u] Can. 13.
[x] Can. 1.

expounded by Arnobius[y] and divers others: "Exultemus et lætemur in eo, quia lumine vero nostras tenebras fugaturus illuxit; nos ergo constituamus diem Dominicam in frequentationibus usque ad cornua altaris:" "Let us rejoice and be glad in it, because the sun of righteousness, dispersing the clouds of darkness, hath on this day shined upon us: let us, therefore, keep the Lord's day in solemn assemblies, even unto the horns of the altar."—Upon this day Christ finished the work of our redemption, which was greater than the cessation from creating the world; on this day he rose again for our justification, and, therefore, this is called by St. Ignatius, "the queen of days;" upon this day Christ twice appeared to his apostles after the resurrection; upon this day St. Paul[z] appointed the collection for the poor, and, consequently, enjoined or supposed the assemblies to be upon this day; upon this day the Holy Ghost descended upon the apostles; and on this day St. Peter preached that operative sermon, which won three thousand souls to the religion; on this day St. John[a] was in ecstasy, and saw strange revelations: so that it is true what Justin Martyr said, "Our blessed Lord himself changed this day;" that is, by annulling the sabbath, and by his resurrection and excellent appearances and illustrations upon that day; not by precept, but by indigitation, and remarking that day by signal actions and a heap of blessings; so that it is no wonder that St. Cyprian and St. Leo, St. Ignatius and St. Austin, the councils of Laodicea, Matiscon, and Foro-Julium, of Palestine and Paris, speak so much of the advantages and prerogatives of this day, the celebration of which was so early in the Christian church, that it was, though without necessary obligation, or a law, observed in all ages and in all churches. It is true that Socrates said, σκοπὸς μὲν οὖν γέγονε τοῖς ἀποστόλοις οὐ περὶ ἡμερῶν ἑορταστικῶν νομοθετεῖν; "It was the purpose of the apostles to make no laws concerning festival days:" but it is also very probable what one said; that "it descends from apostolical institution,"—"Servata tamen libertate Christiana," that is, the apostles did, upon the Lord's day, often meet, break bread, and celebrate the

[y] In Psal. cxviii. [z] 1 Cor. xvi. 2.

[a] Apoc. i. 10.

memory of Christ; and by their practice, recommended the day as the most fitted for their synaxes or conventions; but they made no law, imposed no necessity, but "left the church to her Christian liberty," and yet (that I may use the words of the fathers in the council of Matiscon) "justum est ut hanc diem celebremus, per quam facti sumus quod non fuimus:" "It is fit we celebrate this day, because of the blessing of the resurrection happening on this day, by which we became that which before we were not."

Quest. And now if it be inquired how we are to celebrate this day,—

57. I answer, that we are sufficiently instructed by those words of the Laodicean council, "vacent tanquam Christiani:" there is a certain rule and measure by which Christians keep their festivals. The Jewish manner was a perfect rest: the Christian manner is an excellent religion and devotion; but no rest excepting such a rest as ministers to religion: abstinence from such works, which if we attend to, we cannot attend to the religion that is commanded, is essentially necessary, when the keeping of the day religiously and solemnly becomes necessary. There are also some corporeal works, which are properly celebrations of the day, or permitted in all religions upon their festivals: such as are acts of public or private benefit: works of necessity, little things, and unavoidable: which are sometimes expressed in this verse,

Parva, necessarium, res publica, res pia fratri.

Among the old Romans, in their most solemn festivals, some things were specially permitted,

Quippe etiam festis quædam exercere diebus
Fas et jura sinunt: rivos deducere nulla
Religio vetuit, segeti prætendere sepem,
Insidias avibus moliri, incendere vepres,
Balantumque gregem fluvio mersare salubri[b]:

"It was lawful to turn the water lest it might do mischief, or that it might do good; to stop a gap in a hedge, to

[b] Macrob.

prevent a trespass, to lay snares for birds, to water the cattle, to burn weeds:"—and no religion forbids things of this nature.

58. But besides the laws and practices of heathens in the natural religion and observation of festivals, we may be instructed by the same religion amongst the Jews and Christians: reading and meditating the law was the religion of the Jews [c] upon their feasts and sabbaths: "Moses of old hath them that preach him in every city, being read in the synagogues every sabbath day," said St. James. "They met εἰς ἱεροὺς τόπους, as Philo calls their synagogues, and they heard Moses and the prophets read and expounded: there they did all the actions of natural religion; there they taught piety and holiness, justice and government, economical and political affairs; and the measures of things good, and bad, and indifferent;"—and though, in their synagogues, the exposition and meditation of the law was their principal employment: yet in their tabernacle and in their temple, which were their places of worship, they offered sacrifice, and sang hymns, and praises, and glorifications of God. This was the duty and the religion of their sabbath; not as it was a special separate feast, but because this was the employment fitted for all spiritual and religious feasts whatsoever.

Sancta dies oritur, linguisque animisque favete,
Hoc dicenda bono sunt bona verba die.

All holidays are days designed for holy offices, for the celebration of the divine name and the divine attributes; for charitable and holy discourses. That rest which God superadded, being only commemorative of their deliverance from the Egyptian servitude, was not moral, nor perpetual; it could be dispensed with at the command of a prophet; it was dispensed with at the command of Joshua,—it was broken at the siege of Jericho,—it always yielded when it clashed with the duty of any other commandment; it was not observed by the priests in the temple, nor in the stalls by the herdsman, nor in the house by the 'major-domo;' but they did lead the ox to water, and circumcised a son; that

[c] Acts, xv. 21. Vide Acts, xiii., &c. xiv. 27, 44. Luke, iv. 16, 31, and xiii. 10.

is, it yielded to charity, and to religion, not only to a moral duty, but to a ceremonial; and therefore could not oblige us. But that which remained, was imitable; the natural religion which was used upon the Jewish festivals, was fit also for the holidays of Christians.

59. And this also plainly was the practice of the Christians, and bound upon them by the command of their superiors. 1. It was not σώματος ἀνέσει, as St. Ignatius[d] expressly affirms; the rest of the body is no essential duty of the Christian festivals: that was a Judaical rite; but the Christian is bound to labour even upon that day, says that holy martyr: for then there had been no positive inhibition. And the primitive Christians did all manner of works upon the Lord's day, even in the times of persecution, when they are the strictest observers of all the divine commandments: but in this they knew there was none; and, therefore, when Constantine[e], the emperor, had made an edict against working upon the Lord's day, yet he excepts, and still permitted, all agriculture, or labours of the husbandman whatsoever; for "God regardeth not outward cessation from works, more upon one day than another," as St. Epiphanius disputes well against the Ebionites and Manichees.

60. Thus far was well enough, when the question was concerning the sense and extent of a divine commandment; labour is a natural duty, but to sit still, or not to labour upon a whole day, is no where by God bound upon Christians.

61. (2.) It was not ἀνέσει σώματος, but it is μελέτῃ νόμου, and δημιουργίαν Θεοῦ θαυμάζων, so the same father[f]: "The meditation and exercise of the word of God, and admiring the works of God," that was the work of Christian festivals:— and that they might attend this, they were commanded to abstain from servile works more or less, these or others respectively, in several times and places. "This we find in Justin Martyr[g], speaking of the Christian sabbath and synaxes; the citizens and countrymen are assembled together, and first are read the Scriptures of the prophets and apostles; then the priest or president makes a sermon or exhortation to them to practise what they heard read; then

[d] Ep. ad Magnes.
[e] L. Omnes c. de Feriis.
[f] Ibidem.
[g] Apol. 2.

all go to prayers; after this they receive the holy eucharist; then they give alms to the poor." This is the manner of the Christian festivity. Now what cessation from the secular works is necessary, in order to the actions of religion; all that we may suppose to be accidentally the duty also of the day. To this purpose is that saying of St. Gregory[h], "Dominico die à labore terreno cessandum est, atque omni modo orationibus insistendum, ut si quid negligentiæ per sex dies agitur, per diem resurrectionis Dominicæ precibus expietur;" "On the Lord's day we must cease from worldly labour, and by all means persevere in prayer; that whatsoever in the six days was done amiss, may be expiated by the prayers of the seventh, the day of the Lord's resurrection." In the synod at Tours, in France, the religion of this day was also strictly enjoined: "Oportet Christianos in laude Dei et gratiarum actione usque ad vesperam perseverare;" "Christians must persevere in praising God, and giving thanks to his holy name until the evening:" that is, until the evening-song be finished, for then the ecclesiastical solemnity is over. They who were tied to this long office, could less be permitted to do any secular business; and, according as the piety of the church increased, so the prohibitions of labour were the more strict; for that which was wholly relative, must increase and diminish according to the diminution or enlargement of the correspondent. Constantine forbade all labour but the labours of husbandry; but affirms the Lord's day to be the fittest for dressing or setting of vines, and sowing corn. Leo and Anthemius, emperors[i], forbade all public pleasures, vexatious suits or actions, arrests, and law days, appearances in courts, advocations, and legal solemnities on the Lord's day. The third council of Orleans permitted waggons, and horses, and oxen to travel upon Sundays, but forbade all husbandry, that the men might come to church. In an old synod held at Oxford, I find that on the Lord's day, "Conceduntur opera carrucarum et agriculturæ:" and I find the like in an old injunction of Queen Elizabeth, "Corn may be carried on Sundays, when the harvest is unseasonable and hazardous." In these things there was variety; sometimes more, sometimes less, was permitted.

[h] Lib. xi. ep. 3.

[i] L. Omnes 3. Cod. de Feriis. Can. 21.

Sometimes fairs and markets, sometimes none; in which that which we are to rely upon, is this:

1. That because it was a day of religion, only such things were to be attended to, which did not hinder that solemnity, which was the public religion of the day.

2. Nothing at all to be admitted, which was directly an enemy to religion, or no friend.

Of the first I have already produced sufficient witness. Of the second there is the less doubt, not only because natural reason does abhor all irreligious actions, especially upon a day of religion, but because all the pious men, and lawgivers of the Christian church, have made complaints and restraints respectively of all criminal or scandalous actions upon that day. Witness St. Ignatius[k], Tertullian[l], St. Gregory[m], and St. Austin[n], bishop of Hippo; the twenty-third canon of the council of Toledo, the edict of Leo and Anthemius; all which complain of, and forbid, the evil usages of the profanet men who spend the Lord's day, which by the church of God, and in imitation of God himself, and in celebration of the greatest mystery of our redemption, was appointed for the solemn service of God,—in riotous eating and immoderate drinkings, vain feasts, and wanton dancings, interludes and songs, as if they intended to verify the scoff of Rutilius[o],

> Septima quæque dies turpi damnata veterno,
> Ut delassati turpis imago Dei.

And that the rest of the day did represent God to have been weary, but therefore was designed for wine, and the licentiousness of his servants.

3. The rest of the day was so wholly for the ends of religion, so merely relative to the public services of the church, so nothing of the proper and absolute duty of the day, that the fathers of the church affirm it to be better to work, than upon that day to be idle, and do nothing. So St. Austin[p] expressly: "Melius faceret .... in agro suo aliquid utile, quam si in agro otiosus existeret: et melius fœminæ eorum die Sabbati lanam facerent, quam quæ tota

[k] In his Epistle to the Magnesians.
[l] Apolog. c. 42.
[m] In his Epistle to Austin, Archbishop of Canterbury.
[n] In his Sixty-fourth Epistle to Aurelius.
[o] In Itinerar.
[p] L. de Decem Chordis. c. 3.

die in neomeniis suis publice saltarent;" "To do something that is profitable in the field, is better than to sit there idle, and to spin is better than to dance."

4. In those places, where the offices of the church are not expensive of the whole day, it is lawful to do (upon just cause) any work that is not forbidden by our superiors, or scandalous to our brethren, in those portions of the day which are unemployed; and to deny this is called perverseness[q], and contrary to faith: "Quidam perversi spiritus homines prava inter vos aliqua, et sanctæ fidei adversa seminarunt, ita ut die sabbati aliquid operari prohiberent." They that forbid all manner of work as unlawful, by divine law, upon the sabbath, are "prædicatores Antichristi," "preachers of Antichrist;" for he when he comes, says St. Gregory, "diem sabbati atque Dominicum ab omni faciet opere custodiri;" "shall forbid all working upon the sabbath, and the Lord's day."

5. The Lord's day, being set apart by the church for religion, ought to be so employed as the laws of the church enjoin, and no otherwise; and although it were an act of piety, not only to attend to public offices, but even to attend to especial and more frequent private devotions on that day than others, yet this is without all obligation from the church; concerning whose intention to oblige, we can no ways presume, but by her words and laws when she hath declared herself.

6. The question concerning particular works, or permitted recreations, is wholly useless and trifling; for "quod lege prohibitoria vetitum non est, permissum intelligitur," says the law; "all that is permitted, which in the negative precept is not forbidden:"—but as for some persons to give themselves great liberties of sport on that day, is neither pious nor prudent; so to deny some to others, is neither just nor charitable[r]. The ploughman sits still in the church, and the priest labours; and the wearied man is permitted to his refreshment, and others not permitted, because they need it not; and there is no violation of any commandment of God, even when there is a profanation of the day indulged upon pious and worthy considerations.

[q] Cap. Perven. de Consecr. Dist. 3.

[r] Gloss. Ordinar. in 28 Matth.

62. I end this with the words of Gerson[s]: "Quilibet eo die abstineat ab omni labore aut mercatione aut alio quovis laborioso opere secundum ritum et consuetudinem patriæ, quam consuetudinem prælatus spiritualis illius loci cognoscens non prohibet; quod si aliqua super tali consuetudine dubietas occurrat, consulat superiores;" "Upon the Lord's day we are to abstain from all merchandizes, or other laborious work, according to the custom and law of the country; provided that the bishop, knowing of any such custom, do not condemn it: and if there be any doubt concerning it, let him inquire of his superiors." In all these cases, custom and the laws, the analogy of the commandment, and the designs of piety, Christian liberty, and Christian charity, are the best measures of determination.

63. I have now done with the two great exceptions, which are in the decalogue, and are not parts of the moral law. All the rest are natural precepts of eternal obligation; and are now also made Christian by being repeated and renewed by Christ, and not only left in their prime, natural necessity; but as they are expounded into new instances of duty, so they put on new degrees of obligation.

64. As a supplement to this rule, and in explication of many emergent questions concerning the matter of the divine laws, and their respective obligations, it will be useful to enumerate the signs and characteristics, by which we can, without error, discern which precepts are moral, and which are not: for this is a good and a general instrument and rule of conscience, and useful in many particulars.

The Measures of Difference to discern, between Moral Precepts and Precepts not Moral, in all the Laws of God.

65. (1.) All moral laws are such, whose prime and immediate measures are natural reason: but of precepts, not moral, the reasons may be economical or political, some emergency of state or accident; a reason that passes away, or that is introduced by a special blessing or a special caution; a personal danger; or the accidents of conversation.—That we should obey our parents is a moral law. This we know,

[s] In Decal.

because for this we naturally, and by our very creation, and without a tutor, have many reasons, and see great necessities, and find abundant usefulness. For whoever is in need, cannot be relieved but upon such conditions as they, who are to relieve them, will impose upon them. Love and obedience are but gratitude and necessity; because all children are imperfect and helpless persons, living upon the love and care of parents and nurses: they derive their natures and their birth, their education and maintenance, from them; that is, they owe to them all that, for which any man can be obeyed and loved; they have on them all the marks and endearments of love and fear; they are, in respect of their children, useful and powerful, better in themselves, and beneficial to their descendants; and, therefore, the regal power is founded upon the paternal.

Αὐτὰρ ἐγὼν οἴκοιο ἄναξ ἔσομ' ἡμετέροιο[t].

And unless where God did speak by express voice, he never did speak more plainly, or give power to one man over another so plainly, as to parents over their children; their power is the fountain of all other, and the measure of all other: it hath in it the end and usefulness of all government, it hath love and it hath caution, it is for the good of the subjects; and though it keeps the honour in itself, yet the advantage ever passeth on to others. And then if we consider that children are a part of their parents, that the parents are blessed and cursed in them,—that there is in them toward their children a natural affection,—that the little image of immortality in which men desired to last for ever, is supplied to them by succession, which preserves their name and memory;—that parents are more wise, and more powerful, and before in time, and useful in all regards; that children cannot, at first, understand, nor do, nor speak; that, therefore, naturally they must be in the possession of them that can;—that no man will quit his interest without just reason;—and these reasons of subjection being prime and natural, and some of them lasting, and all of them leaving an obligation and endearment behind them, they cannot pass away without leaving indelible impressions;

[t] Homer. Od. α. 397.

it must necessarily and naturally follow, that children must pay to their parents the duties of love and obedience;

"Οστις δὲ τοὺς τεκόντας ἐν βίῳ σέβει,
Ὁ δ' ἐστὶ καὶ ζῶν καὶ θανὼν θεοῖς φίλος[u].

It is the voice of nature: 'He that honours his parents, is dear to God.'—Now when there is so much prime and natural reason,—or if there be but any one that is so, which by nature we are taught, it is God's mark upon an eternal precept: and whatsoever God hath commanded, that is naturally reasonable, that is, if it be naturally known, or if it be a reason that is not relative to times and persons, a reason that will not pass away with the changes of the world; a reason that enjoins a thing that is perfective of our nature, and which cannot be supplied by something else; all that is to be confessed to be a part of the moral law. But on the other side, if we take the instances of circumcision, and inquire whether this can be an eternal law; besides the ways of discovering this by the lines and measures of revelation, we can also tell by the causes of its injunction: it was appointed as a mark of a family, a separation of a people from other nations, the seal of a temporary covenant, a violence to nature, not naturally apt to signify or to effect any thing beyond the wound made by the sharp stone, a rite for which no natural reason can be given; and, therefore, it was never written in our hearts, but given in tables that could perish.

66. (2.) That, of which no reason can be given, is not a moral precept. Because all moral laws, being also natural, are perfective of human nature, and are compliances with our natural needs, and with our natural and measured appetites; they are such in which all mankind feels a benefit; and where he sees his way: they are and have been found out by the heathen, drawn into their digests of laws; and there was never any law pretended to be moral, but they that did pretend it, offered at a reason for it, derived from the fountains of nature. For every moral law being natural, either it must be naturally consonant to the understanding, or only to the natural desires: if to the understanding, then there is a

[u] Eurip. Trag. iv. fals. citat.—Priestley's edition, vol. vii. p. 679.

discernible reason; if only to the desires, then the measure might be this, that whatsoever we naturally desire, shall become a natural duty;—which, if it could be admitted, would infer all the mischiefs and disorders of the world. Upon this account all sacraments and sacramentals are excluded from being moral laws, because they, depending wholly upon divine institution, whose reasons are very often secret and unrevealed, we can neither naturally know, nor naturally consent to them, and, therefore, can stand bound to them no longer than to the expiration of that period, for which they were invented.

67. (3.) The consequents of natural reason are no indications of a moral commandment. For moral laws are few, and founded upon prime reason, such as appears so to all discerning persons; but when once men begin to argue, and that their art or observation is also to be relied upon, it is so often deceived and always so fallible, that God's wisdom and goodness would never put our eternal interest upon the disputations of men. It is said by some men to be of the law of nature, that spiritual persons should be exempt from secular jurisdiction; but because they infer this from some proportions of nature, the natural distinction of spiritual and temporal, by two or three remote and uncertain consequences, it is to be despised; though we had not, 1. so many precedents in the Old Testament to the contrary; and, 2. the example of our blessed Lord, who, being the head of all spiritual power, was yet subject to the civil magistrate; and, 3. the express words of St. Paul, speaking of the secular magistrate, and commanding "*every soul* to be subject to them;" that is, priests and monks, apostles and evangelists, and prophets, as St. Chrysostom[x] thence argues; and all this, 4. besides the notoriety of the thing itself; spirituality being a capacity superadded to persons, who by a former, that is, a natural duty, are subordinate to secular superiors. But besides all this; if the deduction of consequents shall be the measure of moral duties, then the wittiest disputant shall be the lawgiver, and logic will be the legislative; and there will be no term or end of multiplication of laws: for since all truth depends upon the prime and eternal truth, and

[x] In hunc locum.

can be derived from thence and return thither again, all actions whatsoever that can be, in any sense, good or useful, will be, in all senses, necessary and matter of duty. There is a chain of truths, and every thing follows from every thing, if we could find it out: but that cannot be the measure of laws; for besides that a thing is reasonable, there must be a divine commandment; and if a good reason alone is not sufficient to make a moral law, a bad one is not sufficient to declare it. That all who are obliged by a law, should, at least by interpretation, consent to it, is said by many to be of the law of nature; yet this is so far from being a moral commandment, that, in some very great communities of men, the clergy, who are not the ignoblest part of the people, have no vote in making laws, nor power to choose their representatives. Indeed it is very reasonable and full of equity, that all states of men who are fit to choose for others, should at least be admitted to choose for themselves; yet because this relies not upon any prime natural reason, that necessarily infers it, but is to be trusted to two or three consequences and deductions,—men have leave to use their power, and may choose whether they will, in this thing, use the absolute power of a prince, or the more compliant posture of a father. This is better; but that is not, evidently, against a moral commandment.

68. (4.) A law that invades the right of nature, is not always the breach of a moral commandment. By the law of nature, no man is bound to accuse himself; but because it is not against the law of nature, if he does, and only against a privilege or right of nature, 1. the complicated necessities of men,—2. the imperfection of human notices,—3. and the violence of suspicion,—4. and the dangers of a third person, —5. or the interest of the republic,—6. or the concerns of a prince, may make it reasonable that a man be asked concerning himself, and tied to give right answers. A natural right is no indication of a moral law. But of this I have already spoken, upon another occasion.

69. (5.) Every consonancy to natural reason is not the sufficient proof of a moral law. For, as we say in natural philosophy, that τὰ φυσικὰ and τὰ κατὰ τὴν φύσιν, "things natural and things according to nature," are not all one: it is according to nature, that they, who have the yellow jaundice, should

look of a yellow colour: but this is not a natural affection, but preternatural, all the way. So it is in moral instances; it is consonant to nature, that we should not boil a kid in her mother's milk, but this makes no moral law, for it is not against a natural law[y] if we do. There are some little rationalities and proportions and correspondencies of nature, which are well and decent and pretty, but are not great enough to establish a commandment, or to become the measure of eternal life and death. Nothing less than the value of a man, or the concernment of a man, is the subject of moral laws; and God having given to a man reason to live justly and usefully, soberly and religiously, having made these reasonable and matters of conscience by a prime inscription, hath, by such prime reasons relating to God or man, bound upon us all moral laws. Man only is capable of laws; and therefore to man only, under God, can moral laws be relative.

70. (6.) When God gives a law, and adds a reason for it, it is not always the signification of a moral law, though the reason be in itself eternal,—unless the reason itself be proper, relating to the nature of the thing, and not matter of empire. For example; when God commanded the people of Israel to give the first-born to him or to redeem it, he adds this reason, "I am the Lord[z]." Now, although this reason be eternal, yet it is not a proper reason for this; but a reason by which he does or might enjoin all commandments: and it is also matter of empire and dominion, by which he can remonstrate his absolute supreme legislative power, which is reason sufficient for our obedience, but yet it is extrinsical to the nature of the precept; and therefore, upon this account, it cannot be called moral, whose reason is always natural, proper and immediate. But yet even this very reason, although it is a matter of empire, yet when it is put to a commandment as a proper reason, and refers to the matter of the law, it is a certain token of morality: for thus this is the preface or the reason affixed to the first commandment; and something like it is in the second. For here, when God says, "I am the Lord," it is a proper, natural, essential reason, inferring

y Vid. Aquinat. 12. q. 95. art. 2.

z Numb. iii. 12.

that therefore we must have no other gods, nor to any other thing that is not God give divine honour.

71. (7.) When God, in the Old Testament, did threaten the heathens, or punish them for any fact, it was not a sufficient argument to conclude that fact to be done against a moral commandment; unless other things also concurred to the demonstration. This I made to appear in the instance of some marriages: and it relies upon this reason; because the nations were obliged by the precepts of Noah, all the instances or particulars of which were not eternal in their obligation.

72. (8.) All the instances or pursuances of a moral law, are not as moral or necessary as their fountain; but that moral law is only to be instanced in those great lines of duty, which are named, or apparently designed, in the letter or analogy of the law. That those who minister at the altar, should be partakers of the altar, is a moral law, and a part of natural and essential justice and religion: in pursuance of this, the priests did eat of the sacrifice, and were maintained by tithes and offerings; and thus this moral law amongst them was instanced and obeyed. But though these were the ways in which the Jews did obey a moral law, yet these instances are not moral and eternal; because the commandment can be performed without them: and though the ox be muzzled, when he treads out the corn, yet, if he eats his fill before and after his work, there is no breach of the commandment. Thus also it is commanded, that "we should rise up to the gray head;" which is a pursuance of the fifth commandment, but yet this expression of reverence to old men is neither necessary at all times, nor yet to be done by all persons: another expression may do all the duty that is intended; and he that, with civil circumstances, gives an alms to an old beggar, hath done more regard to him than he that gives him a compliment. For although moral commandments are sometimes signified with the investiture of circumstances or particular instances, yet because great reason is their measure, prime, natural, essential, and concreated reason, it is easy to make the separation.

73. (9.) The strong, violent, and firm persuasions of conscience in single persons, or in some communities of

men, is not a sufficient indication of a moral law. The weak brother, of whom St. Paul speaks, durst not eat flesh, but thought it an impiety next to unpardonable, but he was abused: and there are at this day some persons, some thousands of persons, against whose conscience it is to dress meat upon the Lord's day, or to use an innocent permitted recreation. Now, when such an opinion makes a sect, and this sect gets firm confidents and zealous defenders, in a little time it will dwell upon the conscience, as if it were a native there; whereas it is but a pitiful inmate, and ought to be turned out of doors.

74. (10.) The consonant practices of heathens, in a matter not expressly commanded by God to them, is no argument that what they did in that instance, was by the light of nature, or a duty of a moral commandment. The heathens paid tithes to Hercules; they kept the seventh day sacred; they forbade their holy persons to make second marriages; but it will be too great an easiness upon this account to suppose these to be matter of essential duty: not only because (as Tertullian observes) the devil was willing to imitate the severity or customs and rites of God's church, to make his own assemblies the more venerable, symbolical, alluring, and persuasive;—but because the nations, to whom God commanded tithes, sabbaths, and the like, had intercourse with many others, and were famous in the world by blessing and miracles, by the laws and oracles of God, by excellent government, and the best learnings. The Phœnicians conveyed many Hebrew customs into Greece, and some learned persons went to school in Palestine, and taught their own nation some mysteriousnesses, which themselves learned under the Jewish doctors: and when the Judaizing Christians did pertinaciously retain circumcision, they might, upon this ground, have pretended it to be consonant to the law of nature; because even the Gentiles, the Egyptians, the Arabians, all the nations that descended from Ishmael and Esau, and divers other nations, their neighbours, did use it. But, consent is no argument, when it is nothing but imitation.

75. (11.) The appendant penalty of temporal death, imposed by God Almighty upon the breakers of a law, does not prove that law to be of eternal obligation. I instance in

the gathering sticks upon the sabbath,—the omitting circumcision,—the approaching a wife 'in diebus pollutionis;' all of which were made sacred by the greatest penalty, but yet had not the greatest obligation; they were not moral.

76. (12.) When two laws are in conflict and contest, and call for an impossible obedience, one must yield to the other; but that which must yield is not moral and eternal. The observation of the sabbath, and doing acts of charity, did often interfere in the actions and occurrences of our blessed Saviour's life; but the sabbath was always made to yield to charity. Thus sacrifice and mercy, the outward work and the inward, the letter and the spirit, do often make contrary pretensions; but sacrifice, and the outward work, and the letter, are to yield and to comply, and therefore are but the expressions or instances, or significations of a moral duty; but of themselves have no morality. This holds in all instances, and hath no exception.

77. (13.) By the not considering of these measures, a great part of mankind have been deceived; but they could only be secured by the first, which, because it is also possible to be mistaken in the application, by reason of the miscarriages and confidence of some men, therefore the last resort of all moral laws is to the Scriptures of the New Testament; in which, whatsoever is commanded to all mankind, is either moral in its nature, or is so by adoption; which last clause I put in by reason of the sacraments, and some glorious appendages of morality, and heroical acts of charity, commanded by Christ: the observation of which, although it be not moral or of prime natural necessity, yet because they are commanded by Christ, whose law is to oblige us as long as the sun and moon endure; to us Christians, and to all, to whom the notice of them does arrive, it is all one in respect of our duty, and hath no real difference in the event of things. But if, from the Old Testament, men will (as it is very often attempted in several instances) endeavour to describe the measures of moral laws, the former cautions are of necessary observation.

RULE VII.

There is no State of Men or Things, but is to be guided by the Proportion of some Rule or Precept in the Christian Law.

1. That is, where there is no law to restrain us, we may do what we please; but where we are tied up to rules and measures, we have no lawgiver, or fountain of religion, but God, who, in these last days, hath spoken to us only by his Son, who, as he is supreme in all things, so he is every way all-sufficient; and as by him only we can be saved, so by him only and by his Spirit we must be governed. To this purpose we believe that he hath taught us all his Father's will: he is "the Author and finisher of our faith;" and therefore to him, and to an obedience to him, we must bring our understanding: we pray that his "will may be done here, as it is in heaven;" and therefore he is perfectly to rule our wills here, for we are sure he does rule all above: we have no lawgiver but him,—no rule but his will,—no revelation of his will but in his word:—and besides this, we have no certain place, where we can set our foot. The laws of the Jews were either for them and their proselytes alone, or were adopted into the Christian code: right reason gives measures of things, but of itself makes no laws, unless it be conducted by a competent authority. The prophets were either expounders of Moses' law, or preachers evangelical; that is, either they called to obedience in things not moral; or, if they did, they only spake the sermons of the Gospel, and whatsoever was excellent in all the world, was but a derivation from the wisdom of the eternal Father; and all this was united into a system of holy precepts, at the appearing of the eternal Son: and since "there is no name under heaven, by which we can be saved, but only the name of Jesus," and he saves us not only by procuring pardon for them, but by turning us from our iniquities,—by efforming us anew,—by reforming whatsoever was amiss in manners and persuasion,—by conforming us to the similitude of the holiness and perfections of God, and brings us to glory by the ways and methods of grace, that is, never leaves us till our graces are perfect, and even with eternal felicities, it

follows that we must go to him,—that he must teach us and guide us,—that he must govern us and persuade us,—that his laws must be our measures, his wisdom must be our star, his promises our aims; and we may as well say there can be two principles, as that, besides him, there can be any eternal and supreme lawgiver. One is more than all the numbers of the world.

2. And if we look into the nature of his laws, we shall handle this truth as the people on mount Sinai did see thunder: all excellencies have as perfect unity as any one hath; and there can be but one justice, and it is the same grace of mercy which dwells in the bowels of all the good men and women in the world; and of temperance there can be but one general measure; and unchastity is a certain prevarication of one excellency that is known to all the world. And, as for religion, since there is but one God, and he is to be worshipped as himself pleased, and to convey his blessings to us by what mediator, and by what instruments himself shall elect;—there can be in these things no variety, unless there be a plain deficiency in the means of the divine appointment. All the duty of mankind is in religion, justice, and sobriety; and, in all these things, God, by Jesus Christ, hath given us many laws, and besides them, he hath given us no other; we have but one Lord, and therefore but one lawgiver and measure of justice; we have but one faith, and therefore but one religion; we have but one baptism, or solemnity of renunciation of the flesh, the world, and the devil, and therefore but one rule for our comportment: one measure of sobriety according to the unity of our nature, which, being made after the image of God, is one as God is one. If, therefore, our blessed Lord be a perfect lawgiver, his law alone must be the measure of our duty and obedience; but if he be not a perfect lawgiver, whither shall we go to understand the will of God? "Master, whither shall we go? for thou hast the words of eternal life," said St. Peter[a]: there is the question, and the answer too; and they, together, make the argument a demonstration. For if we can obtain eternal life by the words of Christ, then they contain in them the whole will of God; for he that fails in one, is imperfect,

[a] John, vi. 68.

and loses all; and therefore, in the words of Christ, there is a perfect provision for an entire obedience, because they are a sufficient way to life eternal.

3. The effect of this consideration is,—that all the measures of good and evil, must be taken by the evangelical lines. Nothing is to be condemned, which Christ permits; and nothing is to be permitted, which he condemns. For this is the great prerogative and perfection of Christ's law, above that of Moses; some things by Moses were permitted for necessity, and "because of the hardness of their hearts;" thus divorces and polygamy became legally innocent, because a perfect law was too hard for that people, and, like a yoke upon a young ox, would have galled them, not subdued them; and if he had strained too hard, the silver cords of discipline would have been first broken, and then despised. But when Christ came, he gave perfect laws, and more perfect graces; he made the capacities of his obedience larger, and fitted the law and the subject by even and natural, and gracious proportions, and permitted nothing which his Father loved not: and now every plant, that God hath not planted, must be rooted up: and therefore this law must needs be absolute, and alone, and unalterable, and perfect, and for ever; and this appears infinitely upon this account, that although our nature is such, that it will always be growing in this world towards perfection, and, therefore, that it is imperfect, and our obedience will be imperfect; yet even this Christ does not allow, or positively permit; but commands us to be perfect, that is, to go on towards it, to allow nothing to ourselves either of crime or of suspicion, to be perfect in our desires, to be restless in our endeavours, to be assiduous in our prayers, never to think we have comprehended, never to say it is enough: and if our blessed Master does not allow of any imperfection of degrees, but thrusts the most imperfect forwards to perfection, it must be certain, that, in his provisions and his laws, there can be no imperfection, but he hath taken care for all things on which eternity depends, and in which God is to be glorified and obeyed. And, therefore, in no case, can it be allowed to any man or to any company of men, to do any thing which is not there permitted.

4. Quest. Upon the account of this rule it is to be

inquired, whether it can be lawful for a prince or republic to permit any thing for the public necessities of the people, which is forbidden by the laws of Jesus Christ.

5. To this I answer with a distinction:—that if the question be, whether in any cases, there may be actual impunity, —there is no peradventure but there may; for sometimes it is necessary, as when a multitude sins: for then the remedy is much worse than the disease, and to cut off all would effect, "ut nemo sit, quem peccasse pœniteat;" there would be justice without discipline, and government without subjects, and a cure without remedy. And therefore it is, that princes, in the mutinies of armies, or in the rebellion of their people, use to cut off the heads of offenders, or decimate the legions, as Cæsar and Germanicus did: but if it be part of the people, though a considerable part, and the action highly criminal, we find great examples, that executions have been done by subjects, by the innocent part, and then all the offenders suffered. Thus it happened in the mutiny of Cæcina's legions, and their defection to the Ubii, the innocent part cut off all the rebels: and thus it was commanded by Moses, who punished all them who worshipped the golden calf, by the sword of the Levites; he set every man's hand against his brother, and none of the criminals did escape. But sometimes it is impossible to punish all; and, very often, the evil would be more than the good. For, in all penal laws and inflictions, although there be much of vindictive justice, yet this justice is but a handmaid to government and correction. When revenge is not also discipline, then it is no government, unless tyranny be the name of it. So that, in such cases, it may be lawful to spare some who need it indeed, but deserve it not.

6. But if, by impunity, be meant a legal impunity, it must either mean, that a law shall warrant the action, or that it shall, before-hand, promise indemnity: if it warrant the action, which the evangelical law hath forbidden, it is like the laws of Omri, it is 'statutum non bonum,' and erects a government against the law of Christ: if it condemns the action, but promises indemnity, it disparages itself, and confesses its own weakness: but as the first can never be lawful, so neither can the second ever be made so, but with these cautions.

Cautions to be observed in civil permissions of an unlawful act or state.

7. (1.) That the thing so permitted, be, in the present constitution of affairs, necessary; and yet will not be without the evil appendage. Thus it is necessary, that in all communities of men, there be borrowing and lending; but if it cannot be without usury, the commonwealth might promise not to punish it; though, of itself, it were uncharitable, and consequently unlawful. For it is either lawful, or else it is unlawful, for being against justice or against charity. If it be against justice, the commonwealth, by permitting it, makes it just; for as it is in the economy of the world, the decree of God doth establish the vicissitudes of night and day for ever: but the sun, by looking on a point, not only signifies, but also makes the little portions of time, and divides them into hours; but men, coming with their little arts and instruments, make them to be understood, and so become the sun's interpreters; so it is in the matter of justice, whose great return and firm establishments are made by God, and some rules given for the great measures of it; and we, from his laws, know just and unjust, as we understand day and night: but the laws of princes, and the contracts of men, like the sun, make the little measures, and divide the great proportions into minutes of justice and fair intercourse; and the divines and lawyers go yet lower, and they become expounders of those measures, and set up dials and instruments of notice, by which we understand the proportion and obligation of the law, and the lines of justice: just and unjust we love or hate respectively by our warrant from God; and from him also we are taught to make the general lines of it; as, Do what you would be done to,—restore the pledge,—hurt no man,—rob not your neighbour of his rights,—make no fraudulent contracts,—no unjust bargains:—but then what are his rights, and what are not; what is fraudulent, and what is fair; in what he hath power, in what he hath none, is to be determined by the laws of men. So that if a commonwealth permits an usurious exchange or contract, it is not unjust, because the laws are the particular measures of justice and contracts, and therefore may well promise impunity, where she makes innocence, as to the matter of justice. But if usury be unlawful, because it is uncha-

ritable, then when it becomes necessary, it is also charitable comparatively; and as to charity, no man, by the laws of God, is to be compelled (because it is not charity, if it be compelled; for God accepts not an unwilling giver, and it is not charity but an act of obedience and political duty, when, by laws, men are constrained to make levies for the poor); so much less can they be compelled to measures and degrees of charity; and, if to lend upon usury be better than not to lend at all, it is, in some sense, a charity to do so: and if it be when it will not be otherwise, there is no question but the prince, that allows indemnity, is not to be damnified himself. I instanced in this: but in all things else, where there is the same reason, there is the same conclusion.

8. (2.) Impunity may be promised to any thing forbidden by the law of Christ, if it be in such cases, in which the subject matter is disputable and uncertain, whether it be so or no; then it may. Thus it happens in questions of religion, in which it is certain there are many resolutions against the truth of God; but yet they may be permitted; because, when they are probably disputed, no man is fit to punish the error, but he who is certain and can make it appear so to others, that himself is not deceived.

9. (3.) Whatsoever is against the law of Christ, in any instance, may not be directly permitted for the obtaining a greater good, but may for the avoiding of a greater evil, which is otherwise indeclinable. If a prince be perfectly persuaded, that the suffering of the doctrine of transubstantiation is against the laws and words of Christ, it may not be suffered, though the parties interested promise to pay all the gabels of the nation, and raise an army to defend it: but if a rebellion cannot otherwise be appeased, it is lawful; not only upon many other accounts, which are appendant to the subject matter, but because when two evils are before me, neither of which is of my procuring, I am innocent if I suffer either, and I am prudent if I choose the least, and I am guilty of no crime, because I am but a suffering person: but if I do it to obtain a greater good, I choose the evil directly, because I am not forced to pursue the greater good; I can be without it; and although I may choose the least evil, because I cannot avoid that or a greater; yet when the question is, whether I shall permit an evil or lose an advantage,

I may escape all evil, at no greater price than by losing that advantage: so that here is no excuse, because there is no necessity; and in matters of duty no good can make recompense for doing any evil: but the suffering of a lesser evil is highly paid for by the avoiding of a greater.

10. (4.) When any such evil against the laws of Christ is permitted, the evil itself must be so reproved, that the forced impunity may not give so much encouragement to the crime as the censure must abate. The reason is, because no evil must be done at any price; and we must rather lose our life than cause our brother to offend; and if each man is bound to this, then every man is bound to it. But because impunity is the greatest encouragement to sin, and next to the pleasure or interest of it, is the greatest temptation; care must be taken that what serves the interest of the republic, may not deceive the interest of souls; and this being the greatest, ought infinitely to be preferred; and therefore unless something be directly done, that may be sufficient security against the probable danger, no interest of the commonwealth is to be served against it; because none is sufficient to be put in balance against one soul.

11. (5.) This impunity (especially if it be in the matter of sobriety) must not be perpetual, but for a time only, and must be rescinded at the first opportunity. Thus St. Austin, when he complained of the infinite number of ceremonies which loaded the church, and made her condition more intolerable than that of the Jews under the Levitical yoke, adds this withal, that this was no longer to be tolerated than till there was a possibility to reform. And when St. Gregory had sent Austin the monk to convert the Saxons, he gave him advice not to press them at first too passionately to quit their undecent marriages, which by their long customs and the interest of their families they would be too apt to hold too pertinaciously, and with inconvenience, but afterwards it would be done.

12. (6.) Till the impunity can be taken away, it were an act of prudence and piety, and, in many cases of duty, to discountenance the sin by collateral and indirect punishments: thus the old Romans confined their lupanaria to the outer part of the city: it was a summœnium, and their im-

pure women had a name of disgrace, and a yellow veil was their cognizance: and so the Jews are used in some places: but thus we find that St. Paul and the apostles tolerated those Christians, which, from among their own nation, gave up their names to Christ; who yet were polygamists, or, which was equivalent,—had married a second wife, their first being living and divorced: but although this could not well be avoided, lest they should be vexed into apostasy, and their Judaical hardness of heart was not yet intenerated sufficiently by the softer and sweeter sermons of the Gospel; but yet to represent their dislike of such marriages, which they were forced to tolerate, they forbade such persons to be taken into their clergy, so punishing such persons by a privation of honour, whom they could not punish by a direct infliction of censures, or separation from their wives.

13 (7). In all such tolerations of evil, the secular interest must be apparently separate and declared to stand far off from any thing of the religion; and the consciences permitted to stand or fall under them, who are to take care of them and answer for them; the permission by the civil power is not to rescue them from the ecclesiastical rod: for it being a matter of civil interest is not to derive any countenance from religion, so much as accidentally: for no powers of man can forbid the servants of Christ to preach his law, to declare his will, and to get subjects to his kingdom, and to turn sinners from the error of their way: if they do, they must not be obeyed, but God must; and if they die for it, they are well enough.

14. But now against the doctrine of the rule many things may be objected; for there seem to be many things and great cases, for which the laws of the holy Jesus have made no provision. I instance in a very great one, that is, the whole state of war, and all the great cases and incidents of it. For since it is disputable whether Christianity allows of war, and it is not disputable but very certain that it speaks nothing of it expressly, neither gives any cautions concerning it in particular, it will seem to be a 'casus omissus' in the law. To this there may be many considerations offered.

Of the Measures of War by Christ's Laws.

15. (1.) If it be said that all war is unlawful, against the analogy and against many express lines of our religion; it is indeed a short way of answering this difficulty, but will involve the whole Christian world in many more; but of this in the following numbers I shall give accounts.

16. (2.) If it be said, that Christianity leaves that matter of war wholly to be conducted by the laws of nature and nations: we shall find, that this will entangle the whole inquiry, but we shall never come to any certainty. For if the Christian law be, as I have proved, a perfect digest of the natural law; to say the affairs of war are to be conducted by the laws of nature, is not to put them from being determined by the Christian law, because they are the same; and if, in the law of Christ, there be no rules of war, neither can there be any in nature. But besides this, if the laws of nature which concern war, be not set down in the Gospel and writings of the New Testament, but that we be sent to look for them in the tables of our own hearts, in which some things are disordered by passion, and many more are written there by interest, and some by custom, and others by education, and amongst men these are the authors of contrary inscriptions; we shall find the law of nature a strange thing by that time we have drawn it from thence only, and looked over it to find some rules of war, whose whole being is very much against the excellent and perfective laws of nature.

17. (3.) If it be said, that war is to be conducted by the measures of peace; we speak what is impossible to be true: for "inter arma silent leges," not only because the sword is licentious and impudent; but because the cases of peace and war are wholly different.

18. (4.) If it be said, that right reason must be the measures; I answer, that if right reason could be heard, possibly there would be no war at all: and since one part begins the war against reason, it is not likely that he, for any reason that can be urged, shall lose his advantage. But besides this, who shall be judge? whose reason shall rule? whose arguments shall prevail? and will he who is 'minor in causa' be 'minor in prælio,' he who hath the worst at the dispute, yield also in the fight? and are not the 'pugnacissimi,' the

fighting men, such as will hear and understand the least reason?

19. (5.) Some will have the law of nations to be the measure of war; and possibly it might, if there were a digest of them, and a compulsory to inforce them; but there being neither, they are uncertain what they are, and are admitted with variety and by accident, and they shall oblige strangers when the men are conquered; and subjects, by the will of the prince, that is, the measures of war shall be the edicts of any single general and nothing else.

20. In the midst of these oppositions it will be hard to find something certain: but that which can most be relied upon, is this. That Christian religion hath made no particular provisions for the conduct of war under a proper title, because it hath so commanded all the actions of men, hath so ordered the religion, so taken care that men shall be just, and do no wrong, hath given laws so perfect, rules so excellent, threatenings so severe, promises so glorious, that there can be nothing wanting towards the peace and felicity of mankind, but the wills of men. If men be subjects of Christ's law, they can never go to war with each other; but when they are out of the state of laws and peace, they fall into the state of war; which being contrary to peace, is also without all laws. So that the injurious person is not to inquire how to conduct his war, for he is gone beyond all law into a state of things, where laws are of no value: but for the injured person, he is just so to comport himself as he can: having one measure of action, and another of defence.

21. 'For his defence:'—it is not to be measured by laws, but by privileges: that is, things being gone beyond the laws of nature, he is left to his natural powers and defences; and is to do this without any other limit, but that he defend himself and his relatives, and drive away the injury. That is, there being no law of God to forbid him to defend himself, he is at his liberty, which naturally every man hath: "Hoc et ratio doctis, et necessitas barbaris, et mos gentibus, et feris natura ipsa præscripsit, ut omnem semper vim, quacunque ope possent, à corpore, à capite, à vita sua propulsarent[b]:" "The learned are taught by reason, the barbarous

[b] Cic. pro Mil. c. 11. § 3. Wetzel, p 240

nations by necessity, the civil by custom, "the very beasts also by nature, to defend their head, their body, their life from all injury by all means." For God hath no where forbidden, that a man shall be defended:

Armaque in armatos sumere jura sinunt[c];

we may put on armour to defend us against an armed malice: he hath indeed forbidden private revenges, because those are intrusted to the laws and public persons; but when a single person is injured, he can defend himself or crave the patronage of princes and the laws; but when public interests are violated, when kingdoms and communities of men and princes are injured, there is no law to defend them; and therefore it must be force: for force is the defensative of all laws; and when all laws are injured, there can be no way to reduce men to reason, but by making them feel the evils of unreasonableness. If this were not so, then all commonwealths were in a worse state of affairs than single persons: for princes are to defend each single person; and the laws are to secure them; but if the laws themselves be not defended, no single person can be; and if they could, much rather should all. Whatsoever is absolutely necessary, is certainly lawful; and since Christ hath no where forbidden kings to defend themselves and their people against violence, in this case, there is no law at all to be considered; since there is a right of nature, which no law of God hath restrained; and by that right all men are equal; and, therefore, if they be not safe from injury, it is their own fault or their own unhappiness; they may, if they will, and if they can: and they have no measures in this, but that they take care they be defended, and quit from the danger and no more. The 'jus naturæ,' the rights and liberties, the equalities and privileges of nature, are the warrant of the defence, or rather there needs no warrant, where there is no law at all: but this right of nature is the measure of the defence, we may be defended as much as we need.

22. But then if it be inquired, what is the measure of actions which must be done in the conduct of the defence by the injured prince or republic, and how shall they be

[c] Ovid. Art. Am. iii. 492. Mitscherl. vol. i. p. 269.

measured, if Christ in his laws hath made no provisions and described no rules? I answer, 'that the measures of action in public are no other than the measures of the private;' the same rule of justice is to be between princes and between private persons: they also must do as they would be done to; they must keep covenants, perform their words, hurt no innocent person whom they can preserve, and yet preserve themselves; they must keep themselves within the limits of a just defence: and as in private contentions and repetitions of our right we must look after justice, but do nothing against charity, we must defend our rights, but do the adversary no wrong, and, by no vexatious measures, secure our own interest, and destroy his just right, in an unnecessary conduct of our own, so it is with princes: he that is injured, may drive away the injury, he may fight against invaders, he may divert the war, if it be necessary; but he may not destroy the innocent with the guilty, the peaceable countrymen with the fighting soldiers. And nothing can legitimate that but an absolute necessity, that is, it must not be done at all, when it can be understood, and when it can be avoided; and there is no direct action of war, but it is to be ruled by necessity, and justice, and charity; and in these there is no variety of the rule, and no change except what is made by the subject-matter, which must be made to combine with the measures of justice and charity, by the instruments of reason, and customs, and public fame, and all the measures of wise and good men.

23. Wars are so to be managed, as private contentions are, and there are the same rules for both, that is, when they are equals; but if it be a war betwixt subject and superior, it is on the prince's part to be conducted as other acts of public justice. When a single executioner can punish offenders, that is enough; if one cannot, more must; for it is every man's interest, that the injurious should be punished; and he that can raise the country-troops by law, to assist the executions of justice, may raise all the troops of his kingdom to do the same duty, when there is a greater necessity: but for the subjects who take up arms against their superior, there is no answer to be given by what measures they must conduct their arms, there is no measure at all for them but one, to lay them down, and never to take them up again.

For it cannot be expected, that a wise and a holy lawgiver should give rules for the banditti to manage their violences, or the Circassians how to conduct their plunder and their robberies. Christ never gave any laws concerning rebels, but obedience and repentance: and for just wars, that is, the defensive wars of princes (for there is no other just, but what is defensive directly, or by a just equivalency), Christ hath given no other laws, but the same by which single persons, in their contentions or differences, are to be conducted. And thus also St. John the Baptist gave the same measures to the soldiers, which contain every man's duty, "Do violence to no man, and be content with your wages." For war is but the contention of many; and as it is in social contracts, which are to be governed by the same justice as private merchandise, so it is in social contentions: for in this case, two and two thousand make no difference in the rule, but much in the circumstances of the matter.

24. Quest. But upon this instance it is seasonable to inquire, whether the precedents of the Old Testament be so imitable by them that go to war, that they can pass into a law, or, if not, yet whether they are safe or no?

25. The question, though instanced in the matter of war, yet is of use in all affairs whatsoever, because there are divers portions of mankind, 1. who think every thing is imitable, which they find done in the Scriptures; and, 2. nothing safe or warrantable, that is not: these being their measures of right and wrong, have great influence into the questions of conscience, and therefore are to be established upon certain rules.

Of the Negative Measures of Examples in the Old Testament.

26. (1.) Therefore it is evident, that not every thing, done in the Old Testament, is a warrant for us. I instance, in all the injustices and violences, rapines, and open prevarications of natural rights, concerning which there needs no further disquisition; but we are to keep ourselves to the rule, that is, to God's measures, not to man's, "non qua itur, sed qua eundum;" and "we must not follow a multitude to do evil." "Argumentum pessimi, turba est. Quæramus, quid optimum factu sit, non quid usitatissimum: et quid nos in possessione felicitatis æternæ constituat, non quid

vulgo, veritatis pessimo interpreti, probatum sit[d]:" "The crowd is the worst argument in the world: let us inquire not what is most usual, but what is most excellent;" let us look after those things, which may place us in the bosom of beatitude, not those which can tune with the common voices, which are the worst interpreters of truth in the whole world: and, therefore, that some persons were recorded in the Scriptures, is no hallowing of the fact, but serves other ends of the Spirit of God. But in this there is no question.

27. (2). The actions of good men in Scriptures are not a competent warrant for our imitation, not only when they are reproved, but even when they are set down without censure. The reasons are plain: 1. Because all the stories of the Bible are not intended to be sermons; and "the word of God is useful for doctrine, for reproof, for exhortation, and for information;" not every comma, and period, for every one of these purposes,—for they are contrary; but in the whole there is enough to make 'the man of God perfect and readily instructed to every good work,' to every holy purpose. Therefore as we must not imitate the adultery and murder of David, which are expressly condemned, so neither may we dissemble madness, as he did at Gath, nor persuade another to tell a lie for us, as he did to Jonathan, that he should say he was gone to Bethlehem, when he went but into the fields, and to pretend sacrifice, when it was a very flight. 2. Because every man is a liar, and therefore unless himself walks regularly, he can be no rule to us. 3. Every servant of God was bound up by severe measures, and by his rule he was to take account of his own actions, and therefore so are we of his. 4. There were in the Old Testament greater latitudes of permission than there are to us: polygamy was permitted "for the hardness of their hearts," but it is severely forbidden to us; and though, without a censure, we find Jacob to be husband to two sisters at once, yet this cannot warrant us, who are conducted by a more excellent Spirit, taught by a more perfect institution, governed by a severer law, under the last and supreme lawgiver of mankind: μείζονα ἐπιδείκνυσθαι δεῖ τὴν ἀρετὴν, ὅτι πολλὴ τοῦ πνεύματος χάρις ἐκκέχυται νῦν, καὶ μεγάλη τῆς τοῦ Χριστου παρουσίας ἡ δωρεὰ, said St. Chrysostom[e];

[d] Seneca de Vita Beata, c. 2. Ruhkopf, vol. i. p. 541. [e] De Virgin.

" we Christians ought to show a greater virtue, and more eminent sanctity, because we have received abundance of the Spirit of God, and Christ's coming is a mighty gift;" and if we should derive our warranties from the examples of the Old Testament, it were all one as if, from the licenses of war, we should take pattern for our comportment in the days of peace and laws, or from children learn what were the measures of a man. 5. Because sometimes the actions of good men were in them innocent, because done before a law was given to them; but the symbolical actions, by a supervening law, afterwards became criminal. Thus, although the drunkenness of Noah is remarked without a black character, and plainly told without a censure, it cannot legitimate drunkenness in us, because he was not by any positive law bound from a free use of wine, directly by proper provision, but we are. 6. Because the actions of holy men in Scripture are complicated, and when they are propounded as examples, and the whole action described, there is something good, and something bad, or something naturally good, and something peculiar and personally good, which cannot pass into example. Thus, when St. Paul speaks of Gideon and Jephthah, Samson and David, Deborah and Baruch, who ' through faith subdued kingdoms;' here their subduing kingdoms by invasion and hostility, is not propounded as imitable: but their faith only, and therefore let us follow their faith, but not their fighting: and carry the faith to heathen countries, but not arms. So, when the fact of Razis is propounded as glorious and great, when he killed himself to avoid Nicanor[f], the whole action is not imitable, but only so much of it as was pious and prudent; and the other is to be praised as being the choice of a lesser evil, or is to be left to its excuse, as being necessary and unavoidable.

28. (3.) The actions of men in the Old Testament, though attested and brought to effect by the providence of God, is no warrant for our practice, nor can they make an authentic precedent. I instance in the fact of Jeroboam, who rebelled against the house of Solomon; although God was the author of that change, and by his providence disposed of the event, yet Jeroboam had rules to have gone by, which, if he had

[f] 2 Mac. xv.

observed, God would, by other means, have brought his purposes to pass; and Jeroboam should not have become a prodigy, and a proverb of impiety. For a man is circumscribed in all his ways by the providence of God, just as he is in a ship: for although the man may walk freely upon the decks, or pass up and down in the little continent, yet he must be carried, whither the ship bears him. A man hath nothing free but his will, and that indeed is guided by laws and reasons; but although by this he walks freely, yet the divine providence is the ship, and God is the pilot, and the contingencies of the world are sometimes like the fierce winds, which carry the whole event of things whither God pleases. So that this event is no part of the measure of the will; that hath a motion of its own, which depends not upon events and rare contingencies, or the order of secret providence; and therefore this which could not commend his action, cannot warrant our imitation.

29. (4.) Actions done in the Old Testament, though by a command of God, do not warrant us, or become justifiable precedents, without such an express command as they had; if the command was special and personal, the obedience was just so limited, and could not pass beyond the person. Thus Jehu took up arms against the house of Ahab, by the command of God, who intended to punish him severely. But we may not lift up our hand against our prince, though he be wicked, unless God give us such an express commandment: for nothing is imitable, but what is good. But in this there was nothing good but the obedience; and, therefore, nothing can legitimate it but a commandment.

30. (5.) Actions of good men, if done upon a violent cause, or a great necessity, are not imitable, unless it be in an equal case, and a like necessity. 'David, when he was hungry, went into the priests' house, and took the bread, which was only lawful for the priests to eat,' and to this example Christ appeals; but it was in a like case, in a case of necessity and charity. He that does the same thing, must have the same reason, or he will not have the same innocence.

31. (6.) Examples, in matters of war, are ever the most dangerous precedents, not only because men are then most violent and unreasonable, but because the rules of war are

least described; and the necessities are contingent and many, and the reason of the action depending upon heaps of circumstances (of which, peradventure, no notice is recorded) can less be understood; and after all this, because, most commonly, they are unreasonable and unmerciful. That David made the people of the Ammonites to pass under saws and harrows of iron, is not safely imitable by Christian soldiers; because it had so much cruelty, which either must be criminal, or have an extraordinary legitimation, which, it is certain, Christian princes cannot have, unless it be by a rare contingency, and a new revelation, to which they can never reasonably pretend. But that they may drive out an invading army, that they may kill them that resist, that they may by war defend the public rights, in which all the private are involved,—they may safely take for their warrant the example of Abraham fighting in behalf of the king of Sodom; the act of Melchisedeck, in blessing God for the success of that battle; the wars of the judges, and of David: because these were just and necessary by special command, or necessary defence; faith was the great instrument, and God's blessing gave them prosperity; they were against no law, and the like cases God hath not since restrained, and therefore we, of ourselves, being left to the rights of our nature, and unconfined by the laws of God, proceed prudently, when we have the confidence of such great examples; against which the interest of no law is publicly, the interest of no virtue is secretly engaged.

32. (7.) When a law is changed, the examples which acted in proportion to that law, lose all manner of influence and causality, and cannot produce a just imitation. Among the Jews, it was lawful for a private person to transfix his brother or his father, if either of them tempted him to idolatry; and in a cause of God they might do public justice by a private hand. All the actions of their zealots, done in such instances, are no examples to Christians; because when that priesthood was changed, the law was changed, and then the nature of the action passed from lawful to unlawful; and, therefore, could not be imitated. He that is to write Greek, must not transcribe it by the Hebrew alphabet; and when the copy is altered, the transcript must also receive variety and specific difference. Thus the disciples of our

Lord would fain have done, as Elias did; but Christ told them that he was not imitable in that, by telling them that the Spirit, which is the principal or great instrument of action, was wholly changed. It was not safe for them to do as Elias did, because they were to do as Christ commanded. Thus we find, in the Old Testament, king Solomon dedicating and consecrating of a temple; it was a new case, and he was an extraordinary person: and the Christian church hath transcribed that copy so far as to dedicate and consecrate churches or temples to the service of God; but she does it by the ministry of bishops, who are amongst us the presidents of prayer, and have those special assistances and emanations of the Holy Spirit upon their order, which Solomon had in his own person, and much more; and, therefore, though the act is exemplar, yet it is not imitable as to the person officiating: because to do so is not properly the effect either of power or of office; but being to be done in the way of prayer, is by the reason of the thing itself; and the constitution of the church appropriate to the presidents of religion.

Of the Example of Christ.

33. (8.) In the New Testament, we have so many, so clear, so perfect rules, that we have no need of examples to instruct us, or to warrant our practices; but examples to encourage, and to lead us on in the obedience of those rules. We have but one great example,—Jesus Christ;—who, living in perfect obedience to his Father, did also give us perfect instruction, how we should do so too in our proportion. But then how far Christ is imitable, and ought to be imitated by us, is best declared in this short rule.

34. In whatsoever he gave us a commandment, in that only we are bound to imitate him: but in whatsoever he propounded to us as excellent, and in whatsoever he did symbolically to it, in all that also we may imitate him.

35. This rule establishes the whole case of conscience in this affair. Because our blessed Saviour, being an extraordinary person, was to do some extraordinary things, in which either we cannot, or we ought not, to imitate him. He fasted forty days; we cannot: he whipped the buyers and sellers out of the temple; we may not, without the authority of a public person:—he overthrew the tables of

the merchants; but the young man in Portugal[g], who, being transported with zeal and ignorance, beat the chalice and the sacrament out of the priest's hand, out of passion against his idolatrous service (as he understood it), had a sad event of his folly amongst men; and what reward of his zeal he found with God, is very uncertain. But whatsoever he taught to mankind, of that also he became a glorious example: but "by the sermons only we are instructed, by the example encouraged[h]:" for "admonetur omnis ætas fieri posse, quod aliquando factum est:" we see it possible to be done what Christ commanded us to do, and then did, that "we might follow his steps."—But his example, in these things, makes up no part of our rule, because it is perfect without them: here our rule is perfect, and so is our example; but because Christ did some things beyond our rule, and past our measures, and things of personal virtue and obligation, therefore we are to look upon Christ as imitable, just as his life was measured by the laws he gave us; where they are, even there we also must endeavour to be so. There is this only to be added: that in the prosecution of his obedience to his heavenly Father, he sometimes did actions 'in gradu heroico,' of great excellency; which although they are highly imitable, yet they pass no obligation upon us, but that we endeavour to tread in his steps, and to climb up to his degrees, and to desire his perfections. That these pass upon us no other obligation, appears, because they are sometimes impossible to be attained to; and they are the highest and the best, and, therefore, are not a direct matter of duty, which belongs to all, to the highest and to the lowest. But that these do pass upon us an obligation to endeavour to attain them, and of labour towards them in our circumstances, appears in the greatest instance of all, the highest obedience, even that which was unto death; for "therefore Christ hath suffered for us, leaving an example to us, that we might follow his steps[i]:" that is, when he had given his church precepts, and propounded to them rewards of suffering, he also was pleased to give us the greatest example as a commentary upon his own text; declaring that the commandment did extend to the greatest instance; and that we should do as he did, "obe-

[g] Fox, Martyrol. [h] St. Cyprian. [i] 1 Pet. ii. 21.

diens factus usque ad mortem," " he was obedient even unto death:" and so must we, when God requires it in particular. And that this is our duty, and that the obligation reaches thus far, is certain upon the interest of love; for we must love him, who is our Lord and our God; we must love him with all our heart and with all our powers; and therefore endeavour to be like him: ἡ δὲ σύμφωνος τῷ νόμῳ τιμὴ, ἡ τῆς οὐσίας τῶν τιμωμένων γνῶσις, καὶ ἡ πρὸς αὐτὰ κατὰ δύναμιν ἐξομοίωσις. Ὅ γὰρ ἄγαταί τις, καὶ μιμεῖται, ὅσον αὐτῷ οἷόν τε· ὡς γάρ φασιν οἱ Πυθαγόρειοι, τιμήσεις τὸν Θεὸν ἄριστα, ἐὰν τῷ Θεῷ τὴν διάνοιαν ὁμοιώσῃς[k]. The greatest honour we can do to God and God's law, is to understand God, and to become like to him. For every one imitates that which he loves. " Religiosissimus cultus est imitari," said Lactantius; " that is an excellent instance of the divine worship, to endeavour to become like to the holy Jesus."

36. (9.) But this is to be reduced to practice, so as that, 1. The duty be certainly imitated; and, 2. The degree of duty aimed at; 3. And the instance be chosen with prudence and liberty. Thus when we find, that Christ did spend whole nights in prayer, the duty here recommended, is earnestness and diligence in prayer. In this we must imitate our blessed Lord; because his rule and his example make τὴν καλὴν συνωρίδα, 'an excellent confederation' and society. But then to do it with that vehemence and earnestness, that degree of diligence, is a rare perfection, which we can only tend to in this life, but we must do what moral diligence we can: and, as for the instance and particularities of duty and devotion, we are yet at greater liberty; for we are not obliged to pernoctation in prayer, so we pray earnestly and assiduously, which is the duty,—and endeavour to do it like Christ, which is the passion of the duty, and the degree of love, and the way of perfection; but that it be in the night, or in the day, is but the circumstance of the duty; nothing of the nature, nothing directly of the advantage of it; and is to be wholly conducted by prudence and consideration of accidents.

37. (10.) After all this, as Christ must be imitated in all matter of duty, and is imitable in degrees of duty, and that

[k] Hierecl. in Carm. Aur. Needham, p. 22.

for the circumstances of it we are wholly at liberty,—so also it is in matters of his own ordinance and institution, in which the religion is to be obeyed; the design is to be observed and promoted, the essentials of the observation to be infallibly retained; but in the incidences and collateral adherences which are nothing to the nature of the rite, nor at all appertain to the religion, there is no obligation, no advantage, no love, no duty, in imitating the practice of our blessed Saviour. Thus to celebrate the blessed sacrament of the Lord's supper with bread and wine, to do it in remembrance of his death, to do it as he commanded, in obedience to him, to receive it 'à præsidentium manu,' 'from the hands of the presidents of religion,'—is matter of duty, and matter of love, and matter of obedience; but to suppose we are bound so to imitate the actions and circumstances of the actions of Christ, as that it is duty or necessity that we take it in unleavened bread, to mingle water with wine, to receive it in wines of Judæa, to receive it lying or leaning on a bed, to take it after supper, is so far from being matter of love or duty, and a commendable imitation of Christ, that it is mimical and theatrical, trifling and superstitious, a snare to consciences, and a contempt of religion; it is a worshipping of God with circumstances instead of forms, and forms instead of substances; it is like burning mushrooms upon the altar, and a converting dreams into a mystery; it is flattery, not love, when we follow our Lord in those things, in which he neither gave command, nor did any thing of religion or excellence, that is, in which he neither propounded himself imitable, nor to be obeyed. For what worthiness was there in it, that Christ did eat this supper at supper time; or that when he did institute this, he was at his other supper, and did, as the fashion of the country was, at his supper? What religion was there in it, that he drank the wine of his own country? and what ceremony or mystery was it, if, according to the usages of sober persons, he put water into his wine for his ordinary beverage? and how could these become matters of religion or imitation, when they were only the incidences and investitures of the ordinary actions of life and conversation? and, in these things, the interest of religion is conducted competently by common reason. He that follows the vices of his prince, does like the man that worshipped Mercury by throwing stones at him; and he serves

him with a mischief, and to please his vicious prince, thrusts him forward to eternal ruin. But he that, to humour him, carries his neck aside, or shrugs his shoulders in the same manner, or holds his knife at dinner by his pattern, is a flatterer; but he only loves his prince, and is a worthy servant, who fights bravely if his prince be valiant, and loves worthy things by his example, and obeys his laws, and celebrates his fame, and promotes his interest, and does those things in imitation, for which his lord is excellent and illustrious in all the world.

38. But because against a rule no example is a competent warrant; and if the example be according to the rule, it is not the example, but the rule, that is the measure of our action; therefore it is fit to inquire, of what use it can be to look after the examples either of the Old or New Testament; and, if it be at all, since the former measures are not safe, to inquire which are. In which inquiries we are not to consider concerning examples, whose practices are warranted by rules; for in them as there is no scruple, so neither is there any usefulness, save only that they put the rule into activity, and ferment the spirit of a man; and are to the lives of men, as exhortation is to doctrine; they thrust him forward to action, whose understanding and conscience was pre-engaged.

Of the Use of Examples in the Old and New Testament.

39. But then if it be inquired,—What use examples are of beyond the collateral encouragement to action, and which are safe to be followed?—I answer:

40. (1.) That in cases extraordinary, where there is no rule, or none that is direct or applicable with certain proportions to the present case, then we are to look for example, and they are, next to the rule, the best measures to walk by. But this is of no use in any matter, where God hath given a law; but may serve the ends of human inquiry in matters of decency and personal proportions, when men are permitted to themselves and their intercourse with others. For the measures of human actions are either the τὸ ἅγιον, καὶ τὸ δίκαιον, "that which is holy and that which is just;" and of this our blessed Lord hath given full rules and measures: or else the

measure is, τὸ καλὸν καὶ τὸ πρέπον, "that which is worthy and becoming such a person:" and because laws do not ever descend to such minutes, the practices and examples of imitable and exemplary persons is the auxiliary of laws. But this is coincident to that of fame and reputation; thus if it be inquired, in the days of persecution, whether it be fit to fly or to abide the worst,—although we are, by all general rules, unlimited and unconstrained, and so the question of lawful or unlawful will cease, yet because it may be a question of the τὸ πρέπον, we may look about and see, what such men as we are and ought to be, have done: "Shall such a man as I fly?" said the brave Eleazar: he did not, and so made up the rule by becoming a worthy precedent.

41. (2.) In complicated questions, when liberty and necessity are mingled together, rule and example together make the measures. Thus if it be inquired, how we are to comport ourselves towards our king, and what are the measures of our duty towards a tyrant or a violent injurious prince: the rule is plain, "we must not strike princes for justice;" and we must not hurt the Lord's anointed, nor revile the ruler of the people; but if we inquire further concerning the extension of a just defence, the example of David is of great use to us, who not only comported himself by the laws of God and natural essential reason, but his heart smote him for that he had cut off the lap of Saul's garment; and, by his example, kept us so far within the moderation of necessary defence, that he allowed not any exorbitancy beyond it, though it was harmless and without mischief.

42. (3.) In the use of privileges, favours, and dispensations, where it is evident that there is no rule, because the particular is untied from the ligatures of the law; it is of great concernment, that we take in the limits of the best examples. And in this we have the precedent of our blessed Saviour to be our guide: for when, in the question of gables or tribute-money, he had made it appear, that himself was, by peculiar privilege and personal right, free; yet that he might not do any thing, which men would give an ill name to, he would not make use of his right, but of his reason, and rather do himself an injury, than an offence to others. This is of great use in all the like inquiries; because it gave probation, that it is better to depart from our right, than

from our charity; and that privileges are then best made use of, when they are used to edification.

43. (4.) In all matters of doubt, when the case seems equal to the conscience on either hand, so that the conscience cannot determine,—there the examples of wise and good men are of great use to cast the balance, and to determine the actions: for to an equal scale every grain, that is added, will be sufficient to make the determination. If it be disputed, whether it be lawful to rely upon the memory of our good works, and make them as an argument of confidence in God; and the rules of conduct seem antinomies, and when we think God's goodness and justice is warrant for the affirmative, and yet the rules and precepts of humility bear us to the negative; between these two, if they stand on equal terms, the example of Hezekiah is sufficient to make the determination.

44. (5.) The greatest use of examples is in the interpretation of laws: when the letter is equivocal, and the sense secret, or the degrees of action not determined; then the practice of good men is the best external measure we can take; for they are like 'sententiæ judicatæ' in the law: the sentences of judges and the precedents in the like cases, by which the wisest men do often make their determinations. Thus the example of David in dividing the spoil between them that fought, and them that guarded the stuff, as being a sentence in a question of equity, became a precedent in the armies of Israel for ever after.

45. These are the uses we may make of examples in Holy Scriptures, and ecclesiastic writers; which uses are helps to our weakness, but no arguments of the imperfection of Christ's law; for all these uses are such, which suppose us unable to make use of our rule, as in the case of a doubting conscience, —or not to understand it, as in case of interpretation;—or else are concerning such things, which are not direct matter of duty, but come in by way of collateral obligation; as in matter of decency and personal proportions: for which, although examples may apply to them, yet the laws of Christ have given us the general measures.

46. But then, since there is this use to be made of them, and the actions of men in Scripture are, upon so many accounts, as I before reckoned, inimitable and unfit precedents: the next inquiry is, What are the positive measures,

by which we may know what examples are imitable and fit to be proceeded in?

The positive Measures of Example, and which may be safely followed?

47. (1.) In this, the answer hath but little difficulty, not only because of the cautions already given in the negative measures, but because the inquiry is after examples in cases where the rule is not clear and evident, not understood, or not relied upon; and they being in some sense used only in the destitution of a rule, may, with the less scruple, be followed, because if there be no rule clear enough to guide the action, neither will there be any to reprove the example: therefore, that which remains, is this:—

48. (2.) That example is safe, whose action is warranted by God's blessing. Thus the piety of the Egyptian midwives was imitable, in that they refused to kill the Lord's people at the command of Pharaoh; for it is said, "Therefore God did build them houses;" it was mingled with an officious lie, but that was but accidental to their action, and no part of its constitution, and therefore not relative to the reward: but whatsoever God says he rewards with a blessing, that, in equal circumstances, may be safely imitated. I do not say whatsoever is blessed or is prosperous, is imitable; for it may be prosperous, and yet unblessed in one regard, and accursed in another; or successful to-day, and blasted to-morrow; or splendid in this world, and damned in the next; or permitted for the trial of God's servants, or the extinction of their sins; or the very thriving of it may be the biggest curse, and nurse up the sin into its monstrous ugliness, and is no other but like the tumour of an ulcer; it swells indeed, and grows very great, but it is a sore all the way, and is a contradiction to prosperity; and sin never 'thrives,' unless it be in the most catachrestical and improper way of speaking in the world: but I say, when it is said, or plainly enough signified in Scripture, that God did bless the man for so doing; that for which he was blessed, that I say is only imitable. And on the other side, though an action be described in story without its mark of good or bad, it is a great condemnation of the action, if the event was intolerable, and the proper

production was a mischief: and thus was the drunkenness of Lot condemned,—because incest was the product;—and of Noah,—because shame and slavery were the two daughters of it.

49. (3.) Because in these examples, for which there is no perfect rule, the concernment is not a direct, but a collateral duty, not matter of direct obedience, but fame and reputation, that "things honest in the sight of all men be provided;" and therefore such examples only are to be followed, which "are of good report." A man shall not be called a just person, if he invades his neighbour's rights, and carries war to dispossess a people that live in peace, upon pretence because we find in Scripture that Nimrod did so, because he was an infamous person: but when Joshua kept the Gibeonites alive, because, though he was deceived by them, yet he swore to them, and yet did make them to be slaves to his people; he is very imitable both in one part and in the other; and we may not break our words upon pretence we were deceived, but yet we may do all that we can justly do for the interest of our relatives: and all this can well depend upon the example of Joshua, because his fame is entire and illustrious, he is accounted a good and a brave man.

50. (4.) We must be careful to distinguish the examples of things lawful, from the examples of things good and just: and always imitate these, but with caution follow those; not only because what was lawful in the Old Testament is not always so in the New;—but that what is lawful at all times, at some times is not fit to be done. But then, let every example be fitted to the question. If the inquiry be, whether this action be holy or no,—an example that declares it lawful, does not answer that question; but if it be asked, whether it be lawful,—the example, proving it to be holy, does conclude the other more strongly.

5. When evident signs of piety, like veins of silver in the grosser earth, are mingled with the example, it adds many degrees of warranty to the determination. Thus our blessed Saviour, in his apology made for his disciples, appealed to the example of David eating the bread of proposition; it was, indeed, an argument to them depending upon the fame of the patriarch; but yet our blessed Saviour knew there was in it great charity, and lines of piety to his hungry followers,

when David neglected a ceremony, that he might do a charity and relieve a necessity, and therefore Christ did it, not because David did it, but because he might. David's action was not Christ's warrant, but the piety of the thing was warrant to them both. And, indeed, this is the right use of examples: by the advantage of the man's fame they may reprove an adversary, but by the great lines of piety mingled with the body of the action, they may become a precedent for our imitation.

I have now given accounts concerning that principle (mentioned in Num. 25) which affirms every thing to be imitable, if done and described in the Scripture, unless it be signally forbidden. Concerning the other—That nothing is safe or warrantable that is not,—I reserve it for its proper place.

CHAPTER III.

OF THE INTERPRETATION AND OBLIGATION OF THE LAWS OF JESUS CHRIST.

RULE I.

In negative Precepts the Affirmatives are commanded; and in the affirmative Commandments, the Negatives are included.

1. Not he that gives the law only, but he who authoritatively expounds the law, becomes to us a lawgiver; and all who believe in God and in Jesus Christ, confess themselves subjects of the Christian laws; but all do not obey alike, who confess themselves equally bound, and are equally desirous to obey: because men, by new or false or imperfect interpretation of laws, become a law unto themselves or others, giving them measures which our blessed Lord never intended; and yet an error in these things is far more dangerous than in a thousand others, in which men make greater noises. I shall therefore endeavour to describe plain and rational measures of interpretation, that we may walk securely.

2. It is observable, that, in the decalogue, and so in the whole law of Moses, there are more negative precepts than affirmative. The Jewish doctors say, that there are six hundred and thirteen precepts given by Moses, according to the number of letters in the decalogue, which are six hundred and thirteen. But of these, two hundred and forty-eight are affirmative, according to the number of the joints of a man's body: but three hundred and sixty-five are negative, according to the number of the days of the year: but to omit these impertinent and airy observations of the Jews, it ministers some useful and material considerations, that in the decalogue, all the moral precepts, one only excepted, are negative (for that of the sabbath is the 'caput ceremoniarum'); but that of obedience to our superiors is only positive and affirmative. The reasons were these, by which also we can understand the usefulness of the observation.

3. (1.) Because this, being the first great reformation of the world, was to proceed by the measures of nature; from imperfection to growth; from the beginnings of religion to its greater excellencies: but in nature, the first step of our progression is to abstain from evil;

> Virtus est vitium fugere, et sapientia prima
> Stultitia caruisse.——— [a]

and therefore the face of the commandment was covered with the robe of discipline, and God would so secure their services, that they should not displease nor anger him; but the excellencies of holiness, by which he was to be endeared to mankind, were especially the glories of Christ, not the horns of Moses, the perfections of evangelical sanctity, not of the beginnings of the law.

4. (2.) The great sanction of the law was fear of punishment; and therefore God chose to represent his law to them in negatives, that according to the endearment, so might be the obedience. Now to abstain from evil is the proper effect of fear, but to do good for fear of punishment, is as improper as to threaten a man into love. Fear is the bridle of servants and boys; love is the spur of brave and good men.

[a] Hor. Ep. i. 1, 41.

> ' Non furtum feci, nec fugi,' si mihi dicat
> Servus, ' habes pretium, loris non ureris,' aio:
> ' Non hominem occidi;'—' non pasces in cruce corvos [b].'

That is the dialogue of masters and servants: If you be a thief, you shall be condemned to the mill; if you be a murderer, you shall be broken upon the wheel: but if you abstain from such crimes, your reward shall be, you shall escape the furca.—Since, therefore, the spirit of the law was the spirit of fear and of bondage, God did transact his covenant with them in negative measures.

5. (3.) The law of Moses was a pursuance of the covenant of works; and since it had in it very little beside the umbrages of the χρηστὸς ζυγὸς, ' the sweet yoke ' of the Gospel, it did stipulate for exact measures: but therefore the precepts were negative, that the obedience might be the more possible, and the injunction the nearer to paternal: for it is much more possible to abstain from sins of commission than from sins of omission: so that,

> Optimus ille est
> Qui minimis urguetur [c],

is the best measure of obedience to the Mosaic law: ' he is the good man, who cannot be accused to have done what the law forbids; he who hath done the fewest evils, not he who does the most good:' and thus also the Pharisees understood their duty: and they were not reproved by our blessed Lord, for understanding the negative precepts by the rules of abstinence and a negative duty; but because they understood their negative duty only by the measures of the letter, not of the intention and spirit of the law: and, 2. because when they had been, by the commentaries of the prophets and other holy men, instructed in some evangelical measures, and more perfect intendments, secretly at first designed by God, and so expounded by the prophets by way of evangelical preparation, yet they would still adhere to the old and first understandings of the law; because they loved some sins which, as they had known, were forbidden by those negative precepts, if they would have opened their hearts to understand them as they should.

[b] Hor. ep. i. 16, 47.
[c] Sat. i. 3, 68.

6. (4.) That the fifth commandment is affirmative in the midst of all the commandments that are negative, hath a peculiar reason, but nothing against the former discourse: for it being a sanction of obedience to our superiors under God, is to be expressed in actions and external significations; not only because these only can do benefit, service, and advantages to our parents and princes, but because of nothing else can they be judges. Men take no cognizance of thoughts and secret purposes, but of outward significations; and therefore, the precept was to be affirmative, that is, preceptive of outward actions. 2. There is in children toward their parents so much natural love, and so much fear, and they are so long under their power and the needs of minority, that it will very rarely happen, that children can despise their parents or curse them: their own interest, and their own passions, and their own affairs, will secure the negative measures of that commandment; and therefore the world was, in this instance, disposed to receive greater degrees of injunction and a higher commandment: nature, in this instance, doing the same office for them as the whole law did in the other; that is, it was παιδαγωγὸς, 'a schoolmaster,' to bring them to Christ: and if they had been as much disposed for the entertainment of the rare and excellent affirmative commandments of Christ in the matter of chastity, and charity, and meekness, and humility, as in the matter of duty to their parents, there would have been less need of the interposition and interval of the law of Moses before the coming of Christ.

7. And these observations are verified by the ἀντιστροφὴ, or 'corresponding part:' for the precepts of Christ are positive and affirmative, as appears in his Sermon on the Mount, which is the summary of his law;—in which when he expounded the negative commands of Moses, he still superadded an affirmative of his own: so that it will be nothing but matter of speculation to discourse, whether or no, in the law of Moses, the affirmatives were included in the negatives; it is certain the Pharisees did not understand them so; and they are not always involved in the nature of each other, and the promises of the law were not sufficient to encourage the ἀγαθοεργία, 'the doing of good works,' though the fear was enough to restrain the evil: but that which

concerns the conscience, is that which now is evident, and palpable. In the laws of Jesus Christ, the negative and affirmative are but correlatives, 'opposita relativa,' and do infer each other. Thus we find it expressed[d] often, "Whoso looketh on a woman to lust, hath committed adultery:" that was our blessed Lord's commentary on the sixth commandment, which was negative; but he adds[e], "If thy right eye offend thee, pluck it out."—So again, "Resist not evil;" that is the negative precept; but Christ adds, "If any man sues thee at the law and takes thy coat, let him have thy cloak also."—So in the matter of oaths, Christ said, "Swear not at all:" for he still added a more severe negative to the negative of the law; but then he adds his own affirmative: "Let your communication be yea, yea, nay, nay;" that is, let it be plain and simple, meek and positive, easy and ingenuous.

8. Thus our blessed Lord did in his recitation and exposition of the moral commandments delivered by Moses; in the interpretation and enlargement of which, although it was proper to declare a negative by a negative, yet he would follow his own method and design, and superadd his own affirmative; and when he was doing the office of a lawgiver rather than of a prophet and expounder of the old law, there his words were positive and affirmative. Witness the eight beatitudes; the precepts of charity and humility, of giving and forgiving, of fasting and prayer, and many others: but because in the doing all this, he made large discourses, and gave laws and exhortations, precepts and reasons, promises and threatenings, in complication and mutual consequences; therefore we are, without further inquiry, sufficiently instructed, that our duty is now intended to be complete; and as we must abstain from all evil, so we must do all the good we can.

9. But this is to be understood with its proper caution. For we say in logic, 'ad negationem non semper sequitur affirmatio oppositi:' 'every negative does not presently infer every contrary affirmative,' as a matter of duty. It follows well, 'Thou shalt not forswear thyself, but thou shalt pay to

[d] Matt. v. 28, 29. [e] Ver. 39, 40.

the Lord thy vows,' but it does not follow, that therefore thou shalt make vows. So in these also there is no consequence of obligation. Thou shalt not take from thy neighbour what is his; therefore thou shalt give to thy neighbour :—thou must take from none; therefore thou must give to all :—thou must not give false testimony; therefore thou must tell all the truth thou knowest :—thou mayest not give wrong judgment, therefore you must give right ;—for it may so happen that you need not give any at all. These instances point out to us the measures of affirmatives, which follow from the contrary negations. Thus :

10. (1.) Affirmative duty follows from the negative; not in contraries, but in contradictories. To make a vow and break a vow are contraries; and, therefore, it follows not, because I must not break a vow, therefore I must make one : but to break a vow and not to break it are contradictories, and, therefore, if one be forbidden, the other is commanded; and if the commandment be expressed in negatives, ' Thou shalt not break thy vows,' the affirmative is in the bosom of it, therefore thou shalt keep them : because, unless this part of the contradiction be done, the other is, and therefore it is not enough, that we do nothing expressly against the instance of the vow; but we must also understand ourselves obliged to the performance of it, according to the first intention. The reason of this is, because between two contraries there can be a third thing of a disparate nature; not at all included or concluded by either part, either by inference or by opposition.

11. (2.) From a negative an affirmative is not always inferred, in a particular instance. We must not be uncharitable in any instance; but it follows not, that, by virtue of this commandment, therefore we must be charitable, or do our alms in every instance : for every man is not bound to redeem captives, or to visit prisoners : the reason is, because uncharitableness and visiting prisoners are not opposed in their whole matter and nature; but the commandment which is contrary to uncharitableness, can be obeyed according to all its intention, although it be not instanced in that particular. But this is to be added; that when, by accidents and circumstances, and the efficacy of some other command-

ment, we are called upon to this instance; then that this be done, is by virtue even of the negative, by the prohibition of uncharitableness,—because when we are determined to an instance, the sanction of the whole commandment is incumbent on it, and will not be satisfied without it; but in other cases it is indifferent, and is obeyed by any instance, that is fitted to our circumstances and to our powers. It is like a man's stomach, which, of itself, is indifferent to any good meat, but when, by a particular χρεία or accident, it requires this and nothing else, it must either have this or it will fast. So are affirmative laws; though they oblige to every instance, and are indifferent to any that we can and may, yet sometimes we are determined to this and no other, and then the whole force of the law is upon it. But else, ordinarily it is true, that the universal negative infers only the indefinite affirmative, not the particular: the universal is only inferred by the consequence, the particular by accidents and circumstances.

12. (3.) From a negative law the affirmative is inferred, but not in the same degree of duty and necessity. It is not so great a sin, if we neglect an act of charity, or an opportunity of doing glory to God, as if we do an act of uncharitableness, or positively dishonour God. The reason is, because sins of omission are less than sins of commission, because negligence is not so bad as malice,—and of omission, sometimes, there is no evil cause, but a mere negative or unavoidable inadvertency; but of a sin of commission, the cause is always positive, and therefore always intolerable.

13. (4.) The affirmative which is inferred by the negative law of Christ, is not absolute and unlimited like the negative, but modificated and limited by its proper and extrinsic measures. We must, in no case and for no regard, hinder our innocent neighbour from doing his necessary work; but it does not follow, that therefore we must always set his work forward, and lend him oxen to plough his land: for it is in no case lawful to do evil, but in many cases it is lawful not to do good: that is, there is something more required to specificate a positive act besides the consequence of a negative law. For although the body of an action is there commanded, yet because the body of the action must be invested

with circumstances, they also must have their proper causes, or they cannot have a direct necessity. "Never turn thy face from any poor man," is a negative precept: to which the affirmative of Christ doth rightly correspond, "Give to every one that asks." Now, although the negative is universally to be observed in its own just sense, "Ut ne aversemur à paupere;"—that is, that we deny not to be charitable to him;—yet, when this comes to be specificated by positive actions, the commandment is not the only measure; but some conditions are required of him that is to receive; and some of him that is to give:—for to him that will not work, when he can, we are not to give; and he that needs it for himself, is not obliged to part with it to his brother; supposing their needs are equal or not extreme. To this purpose is that known rule, that 'negative precepts oblige always, and to an actual obedience in all times:' but 'affirmative, although they always oblige, yet they can be obeyed but in their own season.' So that, although every negative precept is infinite and hath no limit, yet the affirmative have extrinsic measures and positions of their own, something to make them laws to me and you, though the consequence of the negative is sufficient to make them to be laws to all mankind. So that, although negative precepts may be the mother of affirmatives, yet the child is but a dwarf, and not like the mother; and besides that, it is exposed to be nursed by chance and by circumstances, by strangers and all the measures of contingency.

14. (5.) When affirmatives are included in, and inferred from, the negatives, the proportion of them is not positive but comparative. Thus when our blessed Lord had given commandment, 'Resist not evil,' that is, we should not do evil for evil,—the affirmative, which is properly consequent from this, is, 'Do good for evil:' and this is obliging according to the former measures: but when you inquire further into the proportions, and ask after the instances, which our blessed Saviour made, we shall find that their obligation is not positive but comparative: "If a man strike thee on thy cheek, turn the other also;"—that is, rather than revenge thyself for one injury, receive another: and rather than vex him who forces thee to go a mile, go with him two miles:

not that Christ intends thou should offer to do thyself a shrewd turn, or invite another; nor that thou shouldst suffer it, if thou canst fairly avoid it: but that thou shouldst choose rather to suffer two evils, than do one. But this is especially to be reduced to practice in matters of counsel rather than precept; that is, when the affirmative inferred from the negative is matter of perfection rather than positive necessity, then the comparative proportion is a duty; but the absolute proportion and measure is but counsel. To oblige an enemy, and do him acts of favour and benefit, is an excellency of charity, for which Christians shall receive a glorious reward: but this is a counsel of perfection, which if, upon probable reasons and fairly inducing circumstances, it be omitted, a man shall give no answer for: but when the case is so, that it must be that I must either take revenge of him, or else rescue him from that revenge by an act of kindness, by a labour of love, or an expense of charity, then this becomes a duty; for in comparative measures every affirmative is at least obligatory: that is, we must rather be at any trouble, or expense, to do an affirmative, than prevaricate a negative commandment.

15. But then as to the other part of the rule, that 'in the affirmative commandment the negative is included,' there is no other difficulty but this,—that caution be had, that the negative be opposed to the affirmative in relation to the same subject: for because we are bound to love our friends, therefore we must not hate them; but it follows not (as the Pharisees did falsely comment on this text) because we must love our friends, therefore we must hate our enemies; for these two are not opposed as affirmative and negative in the same subject, but as two affirmatives relating to subjects that are divers.

16. But this is sometimes not to be understood of the precise commandment itself, but of the appendages; I mean the promises and threatenings: for though it follows, we must do good to our neighbour; therefore we must do no evil to him: yet it does not follow, 'Do this and live; therefore if ye do not do it, ye shall die:' the reason of that is this, because there are some things encouraged with excellent rewards, the negatives of which are permitted to us with

impunity: thus it is said by our blessed Saviour, "When thou makest a feast, invite the poor, and thou shalt have recompense in heaven;" but then if we do not invite the poor, it does not follow that we shall be punished in hell; but we shall not have that recompense, which the hospitable man shall have: so that to invite the poor is an affirmative precept; but in this the negative is not included; 'Thou shalt not invite the rich,' or if thou doest, thou shalt be punished: but that 'it is not so excellent a thing, it is not so encouraged by the proposition of an eternal reward;' but expires in a temporal interest: so that the negative included relates to the reward, not to the precept, and means this only: if thou dost not invite the poor, thou shalt not have any reward in heaven for feasting and making entertainments. But the sign of this is, 1. when the precept is only in the particular instance of a general commandment; as this of inviting the poor is of alms or charity: or else, 2. when it is matter of counsel and not of express precept: then the negative is not directly included in the preceptive words, but in the reward that is appendant.

17. Lastly, when it is said that in the affirmative precepts the negatives are included; the word 'negative' is to be understood in the moral sense; that is, so as to include the privatives also: thus when we are commanded to love our brother, it is not only forbidden to us to hate him; but we are also commanded not to omit to express our love by symbolical actions: for not only contrarieties and repugnancies to the duty of the commandment, but even omissions also, are forbidden: and this is highly to be regarded in the matters of charity; which toward enemies we use to estimate by our not cursing him, our not hurting him, our not being revenged on him: these, indeed, are proper instances of the negative included; but the privatives also are to be considered; for not loving him is hating him; our refusing to do him kindness, our not praying for him, our unaptness to do him good offices, our remembering and reporting his injustice, our refusing to converse with him and denying him the comforts of our society, when, without danger or injury to ourselves, we may converse; is a prevaricating the negative or privative measures of the commandment.

RULE II.

When a Negative and an Affirmative seem opposite in any Sense, the Affirmative is to be expounded by the Negative, not the Negative by the Affirmative.

1. THUS are those various expressions of our blessed Saviour to be considered and understood, 'Unless ye eat the flesh of the Son of man, and drink his blood, ye have no life in you:' and yet our blessed Lord says, 'He that eateth the flesh of the Son of man, hath life abiding in him.' Now to them who suppose these words to relate to the sacramental manducation, the question is, whether or no it be necessary to drink the blood in specie, as well as to eat the flesh? because of the exclusive negative requiring both under the forfeiture of eternal life; or shall it suffice to receive the flesh only, because life is promised to be in him who eats the flesh, in that place no mention being made of drinking the blood?

2. To this the answer is made by this rule; the negative cannot be lessened by the affirmative, because a negative can have no degrees, as an affirmative can; and if the affirmative were in this case sufficient, when the negative is express to require more, then the affirmative were directly contrary to the negative: but, on the other side, though the affirmative requires less than the negative, there is no contradiction. 1. Because, in matters of duty, whatsoever is any where required, is every where supposed: and no interpretation can lessen it from what it is in its whole integrity. 2. Because all our duty is not every where repeated, but the not repeating it in any place cannot annul the obligation in that place, where it is expressly required. 3. Because a threatening in all laws is of more force and efficacy than a promise; and therefore when, under a threatening, more is required, the promise that is affixed to a part of it, must be understood by the analogy and promise to that threatening, because one thing is enough to destroy us, but one thing is not enough to preserve us: "Bonum ex integra causa, malum ex qualibet particulari." 4. Because it is ordinary in Scripture to give the promise to every part of duty,

which yet shall never be paid to that alone; thus to purity, to poverty of spirit, to mercy, to faith, to alms, to patience, to hope, the promises of blessedness are given; but although it is said, "the pure in heart shall see God;" and "the poor in spirit shall have the kingdom;" and "they that quit houses and lands for Christ's sake, shall receive the reward of the other world;" yet unless all that is required, be put together in the duty, nothing of the reward shall be given to the person. Every part of an exclusive negative is an indispensable duty; but every affirmative that is encouraged by a promise, does not contain a whole duty, but a part of duty, which, by being symbolical to the whole, is encouraged as every other part is, but is not paid but in an entire payment, to an entire obedience.

3. This also is true, when in the affirmative more is put than in the negative; for even then the negative is the strict measure of the commandment, and the limit of its absolute necessity and exaction. "He that believeth and is baptized, shall be saved, but he that believeth not, shall be damned[a]." Here the negative is the utmost limit; the 'necesse esse' is described in that; the 'bene esse,' and the ordinary expectation, in the other: by which we are thus to understand this and such other expressions, that the negative contains the indispensable duty; and supposes an obligation that nothing can excuse in persons capable; but the affirmative that supposes more, is yet for that which is over and above content with a less necessity, and admits of easier dispensation: for it containing all that is expected, is like a 'summum jus,' which though by the method of laws it is often expressed, that obedience may be invited as forward as it can, yet the ἐπιείκεια, or the abatement, is in the negative; that is the lowest, and therefore it is bound up with the penalty. For to the highest duty the reward is promised, and it is more than enough to pay it, but the punishment is threatened by lower measures: God abates much before he smites; and though he will reward every good we do, yet every good that is omitted, is not punished with death. But this is to be understood, when the good is of that nature, that it may be omitted upon a probable cause, or without malice; or without the direct

[a] Mark xvi.

prevarication of an express commandment. For many good things are wholly put to us upon the account of hope and promises, and not of commandments, and obedience: though in these also God makes what abatements he please: but we are to make none at all.

RULE III.

In the affirmative and negative Precepts of Christ, not only what is in the Words of the Commandment, but whatsoever is symbolical or alike, is equally forbidden or commanded.

1. When St. Paul had enumerated the works of the flesh, and had put into the catalogue most of those crimes, which are commonly named in laws and fame, and the manners of men; he adds[a], καὶ τὰ ὅμοια τούτοις, "and those things which are like to these." For, 1. there are some things which are too bad to name, such were the impurities of the 'Tribades,' 'Fellatrices,' 'Drauci,' 'Pathici,' Pædicatores,' of which the apostle says, "it is a shame even to name such things, as are done of them in secret:" πάθη ἀτιμίας, that is the general word which the apostle uses for them all, "dishonourable lusts." Now when all unnatural lusts are forbidden, all mixtures but what are hallowed by marriage, and the order of nature, it is no part of the perfection of the law, to name the species of impurity, and the circumstances of that vileness, which gets new names as men please to undo themselves by tricks and artifices of shame.

2. There are some sins, which are like new diseases, vile and infectious in one year, or in one age, which were never heard of before, and die with reproach, and are never heard of again. That a woman should grow to that impudence as to marry her adulterer in the same town where her husband was living, and a prince,—was so rare a contingency, that though it was once done in Rome, yet no law was needful to prevent it. And there needed no law to forbid a man to marry a boy; yet Nero did marry Sporus, and he married Dory-

[a] Gal. v. 21.

phorus, whom Tacitus calls Pythagoras: but this was no less a sin, because it was not the express vocal contradiction of a law; it was against a law that named it not.

3. There are some sins, which nature and the public manners of the world do so condemn, that they need no special mention in the laws. No law forbids us to eat man's flesh, and yet all the civil part of mankind hate and condemn them that do it; and those Egyptians who did "deperire defunctorum cadavera," "fall in love with the dead bodies" which they did anoint, were condemned by the voice of all the world, without the charges of an express law. And all that read the narratives of the Gnostic impurities, how they did, in the impurest sense, "litare in sanguine femineo," and make their eucharist of matter of abomination, have enough of prime reason and common notices of laws and things to condemn their vileness, though they never study the question, or inquire which commandment they prevaricate.

4. There are some sins like others that are named; which are not distinct kinds, but like the monsters of Africa, produced by heterogeneous mixtures, or equivocal generation: thus to geld a child, to make him have a good voice, is so like cruelty, and the unmercifulness of homicide or mutilation, and is such a curiosity of voluptuousness and sensuality, that though it wants a name to signify its whole sinfulness, yet it must stand condemned, though there be no text against it described expressly in the tables of the law. To give money for ecclesiastical preferments is so "like the sin of Simon Magus," that it hath obtained his name and his reproach, and yet it is not the same crime; but upon the account of St. Paul's ὁμοίωμα, or 'similitude,' it hath the same condemnation. Thus polygamy is like adultery, and marrying after divorce (except only in the case of fornication) is like polygamy. Concerning which things, there is one measure in general, and some other more particular. 1. In general.

2. 'The likeness of things to those which are expressly forbidden, is not to be estimated by forms and outsides, and material resemblances, but by the intrinsic irregularity and reason of the prohibition.'—To kill a wife or daughter taken in adultery, even in those countries where by the laws it is permitted, looks as like murder, as killing can: but because

the laws allow the interested man to be the executioner, it is the public hand, not the private, that takes the vengeance: and therefore they are not alike in a culpable similitude. But on the other side, to take my goods wherever I find them, looks like justice; but, because of justice, a man is not to be judge and executioner in his own case, and this thing is, in many cases, forbidden by the laws, this is against justice; for it is not enough that it is his own; for, although it is 'justum,' a just thing to take my own, yet to do it from a thief by private authority where it is forbidden by the public, is 'justum injustè factum,' 'a just thing done after an unjust manner.' But if there be a likeness of injustice, a prevarication of the same reason, an equal injury, then not the letter of the law, but the reason and the spirit of it, is its condemnation. 'Par pari referre,' 'to give back the good I have borrowed,' is one of the great lines of justice; and, upon this account, we are bound to pay debts, to perform contracts, to make equal returns of valuable considerations,—and whatever is against this, is against justice. But then because acts of kindness are the transition of a good from one to another, and although it is without a bargain, yet it is not without an obligation, ingratitude comes under the τὰ δίμσια, it is so like injustice, that it is the worse for it. It is expressly commanded that we should provide for our children according to our powers: and therefore they that expose them, are worse than infidels, and have denied the faith: but then to deny to nurse their own children (unless it be upon a just and a reasonable cause, upon charity or necessity) is so like exposing them, that it must stand as reprobate under the sentence of the same commandment.

3. (2.) But the particular measures of this rule are these: Whatsoever is of the same specification, is of the same obligation and necessity. But if men would be ingenuous, and worthy in giving sentences of their actions, and understanding the measures of their duty, there could be no difficulty in this. For men are easy enough to consent to a general rule, but they will not suffer their own case to be concerned in it: and they understand the particulars too fast, when it is the interest of their brother; but if it be their own, they know nothing of it. It is written, "Thou shalt not tempt the Lord thy God," and all the world consented to the law since

the promulgation; but yet many nations, and many ages of Christendom, did admit the trials of rights by duels, and of innocency by fire ordeal: which was as direct a tempting of God, as any thing next to desperation itself; and by this is sufficiently reproved. If the labourer be worthy of his hire, then so is the priest; if the priest of the old law, then also the minister of the Gospel: which particular I choose to instance in, that, by occasion of it, I may give caution against that, which causes error in the application of this measure, and sense of laws, unto the conscience.

4. For because all actions are invested and varied with many circumstances, they who are concerned in a particular, with which they are willing to escape, think every new circumstance to be a warrant great enough to exempt him from the general rule. Thus, if a rule was given in the law of Moses, they who would not have it drawn into consequence in the Gospel, observe that differing circumstance of the divers laws; and think it answer enough to say, 'it was so in the law, but what is that to the Gospel?' Now this answer is only true, when the law and the Gospel have contrary measures in the same instance; that is, when the instance did not only relate to the law of Moses, but is against the analogy of the Gospel. Thus, no unclean thing was to come into the presence of the Lord; and therefore the leper, or the polluted 'in profluvio sanguinis,' or 'seminis,' might not come into the temple; but then if we argue, this is much more true in the Gospel, which is a state of greater purity than the law, we can conclude nothing, because the measures of legal and evangelical purity are wholly differing; and, therefore, here the relation to the several states and laws is considerable, and makes a material difference. But when there is nothing in one that appropriates it to itself, and nothing in the other that excludes it, then the circumstance and relation alters nothing of the proposition: and so it is in the matter of maintenance for the evangelical minister.

But no circumstance can alter the question, unless it be a material ingredient in the very constitution of it, and changes the reason of the former usage. Thus, when, by the commandment, we are tied to give every one their own, if the owner be a madman, and in his fury demands his sword;

although this particular be a specification of the general rule, yet it is altered by a circumstance, which changes the reason of the law, or supposes it changed. So when David brought his men to eat show-bread in the days of need, the priest asked, if the young men had abstained from their wives, saying, that then they might; but he that shall argue from hence, that no man can receive the sacramental bread, but he that hath been continent in that instance, may be surely enough answered, by telling him that such contacts did sometimes, and to some purposes, contract legal impurities, but not evangelical, in which only the purity of the spirit is required, or if also corporal were required, yet such approaches, under the protection of marriage, are declared to be κοιτὴ ἀμίαντος, as great a purity as chastity itself, of which this is one kind. But when there is no cause of change of the ingredient in the article, if it be of the same nature, though differing in extrinsical or unconcerning circumstances, it is by way of specification included in the rule, and is to be conducted by its measures.

5. (3.) Whatsoever is equivalent to the instance of the law, is also within its sanction and constitution. By 'equivalent,' (speaking morally, not logically) I mean that which is inferred from the greater to the less affirmatively: or, 2. from the less to the greater negatively: or, 3. from that which is equal to it, both affirmatively and negatively. For thus laws are extended on all hands; the same law that forbids murder, forbids cruel thoughts and violent anger, whatsoever tempts to murder, or is the beginning of it, or is in the natural progression towards it. So, on the other side, the law commands us to obey our superiors (meaning the spiritual); the same law, though it there names them not, does more strongly command us to obey princes; for they also "are over us, and watch for the good of our souls, and must give an account for them[b]." Thus, if husbands must give honour to their wives, then wives must give honour much rather to their husbands. If you may not steal out of my house, you must not spoil my goods in it; much less may you fire my house, and burn my goods too; if you must be faithful in little things, much more

[b] Hebr. xiii.

in greater things; if you must give your life for God, much rather must you give your goods; if you must not defile a temple, much less must you dishonour your bodies.

6. This also is to be extended to the proportionable obligation of correlatives. For if the relative be bound by the laws of Christ, then so also is the correlative; which rule hath no exception, but an explication of it is sufficient. For either the duty of relatives is equal, or unequal in degrees, and it is either in the same instance, or in divers. If the instances be divers, they are, in all cases, expressed competently in the New Testament; as the duty that husbands and wives, that children and parents, that masters and servants, that princes and subjects, owe to each other respectively, and they need not to be conducted by involution and consequence, for their duties are described in distinct lines. But if the duty and instances be in the same kind, but differ in degrees, then the measure of the degrees is to be conducted by proportion to the difference of persons, by public honesty, and the sayings of wise and good men, and the common usages of the best, and the measures of reason. But if they be the same in kind and degree, then the rule and measure of one is the rule and measure of both, though one only be named in the law. And this is of use, not only in the equal instances of unequal relatives, but in all the instances of equals; as in friendships, societies, guilds, colleges, exchanges, traffics, and the like. There must be care taken, that according to St. Paul's rule, "there must not be ἄνεσις, ease, remission, and advantage to one, and θλῖψις, trouble, burden, and disadvantage to the other;" but in relations that are equal, the duty and the expression must be so too; ever with this caution, that,—If the duty be the same between relatives, it cannot follow that the privileges are the same.—The husband and wife are equally obliged in the duties of love and justice; but they have not equal powers, neither can the woman put away the man, as the man can the woman. For though man and woman are 'pares in conjugio,' tied to an equal love, and an equal duty, yet they have not an equal power, nor an equal liberty; in government and divorces, they are not equal.

7. But upon the account of this rule, the Christians have a most certain demonstration of the unlawfulness of poly-

gamy, or of having many wives at once. For our blessed Saviour said, " He that puts away his wife, unless it be for fornication, and marries another, committeth adultery;" therefore he much more is an adulterer who marries another, when his wife is not put away, and hath not committed fornication. But in this and the like cases, we are to proceed by the measures of reason, and the common usages of laws.

8. (1.) A law, drawn from a law, must be evidently and apparently in the bowels of it before such extraction, or else it must not be obtruded as the sentence and intendment of the lawgiver. " Obey them, that have the rule over you,"—is a plain commandment; but if you infer, therefore, in all things that they say, ' deny your own reason, and submit your understanding;' this follows not, because we are commanded to obey them only in such things, where they ought to rule over us, but that is not in our understandings, over which God alone is the ruler; and those whom he hath sent, are rational and authorized guides, they have power to teach, and power to exhort, they are to do any thing that can inform us, and invite us to good; and we must follow them in all ways that lead us to God: and that they do, we are to believe until we have reason to believe the contrary; but because, beyond these measures, the law neither said nor meant any thing, therefore the obligation extends not so far.

9. (2.) Whatsoever is not in the letter of the law, is then understood to be intended by the law, when it is drawn from thence by a prime and immediate consequence; in which there is no violence, nor artificial chains, nor devices of wit and labour. For laws ought to be but few, and they love not to be multiplied without apparent necessity, and he that makes more than Christ intended, lays a snare for his own foot, and is cozened by his own argument. Christ commanded us, that we should do our alms and prayers in secret: from hence it follows, that all solemnities of pride, and all the dressings and adornments of our prayers, designed for vanity and publication, are criminal; and under this prohibition come all acts of proper specification. But then if I argue from hence further, and say, ' Therefore it is not lawful to appoint public assemblies for prayer; or, if it be, yet it is not lawful to appear to men to be passionate and devout:

and further yet, that private prayer is better than public, and therefore that it is to be preferred before the public, and therefore yet that we may safely neglect the assembling of ourselves together for prayer,' I argue foolishly, and cannot impose a necessity of obedience upon any. The law warrants me to go no further but within sight of it: if I go one step from her words, I am within the call of her voice: and my obedience can well be exacted, where it can be well proved, but never else. It is in laws, as it is in articles of belief, to which we are obliged primarily, and afterwards to every thing that is certainly and immediately drawn from thence. But if you go beyond one consequence, there are so many certain, but indiscernible fallibilities, so many intrigues of fancy in the disputer, and so much unaptness in the hearer, that it is ten to one they either do not understand one another, or do not understand the article; and so it is in laws, so long as we go on in the straight line of its letter, and known intention, we commit no error, or can soon be reproved, if we do: but if we once double a point, we presently lose sight of the law; as appears in the instance now given in the precept of "praying in secret:" against which it is no objection to say, the consequents were not rightly deduced from the words of that precept. For I grant it; it is true they are not; but then I say, it is also ten to one but it will be so in any instance, that shall be made fruitful with anfractuous and involved consequences. For that is it that I say: a man's reason is to be suspected when he goes a great way from this rule; and we by our logic shall become but ill lawgivers. Whatsoever can certainly and truly be deduced from a law, does as certainly oblige us as the instance that is named, or the first specification of it, or the direct consequent, if it could be made as evident, as it is certain; but because it cannot, therefore it can oblige but in the degree of its clarity and manifestation, for that is to the remote instance, the same as publication is to the commandment itself. But the precepts or laws of Christ, are like the 'radix prosapiæ,' the grand parent of a family, from whom the direct descendants are for ever to be reckoned to the kindred, in the straight and proper line; but when once it goes to the transverse and collateral, they not only have no

title to the inheritance, but every remove is a step to the losing the cognation and relation to the chief house.

10. (3.) In drawing the consequent duties from express laws, the first presumption is for piety, and the honour of God, that is, if the obligation be not evident; yet if it be evident that such obedience is for the honour of God, it is more probably to be supposed that that consequent was intended by the law of God, whom it so apparently serves. But where this, or the like material ingredient is not, we are to presume for our liberty, rather than for the multiplication of laws; because that is charity and prudence, and both of them are very considerable in the constitution and interpretation of a law. But this is more full in the next rule.

RULE IV.

When any Thing is forbidden by the Laws of Jesus Christ, all those Things are forbidden also which follow from that forbidden Action, and for whose Sake it was forbidden.

1. This rule is of use in all laws, and is expressed to the same caution both in the code of the civil law, and in the decretals, and the reason of it is, because the laws of any lawgiver, being the effects of his greatest wisdom, are designed to the best end, and are intended only to operate towards and to effect that end: to this purpose laws are made to prevent evils; and though the evils are not always named, yet against them it is that the laws are cautionary and provisionary; so that the evil is much more forbidden than that which brings it, or leads it in; because sometimes the evil instrument may be destitute of its evil effect, and therefore is, in many degrees, innocent and harmless; but if the evil be introduced, it is all that which the laws were afraid of. And, therefore, Aristotle[a] said right: τὸ δὴ τέλος ἑκάστης πολιτείας οὐ δεῖ λανθάνειν· αἱροῦνται γὰρ τὰ πρὸς τὸ τέλος, "We are to consider the end of every republic, for they

[a] Ethic. lib. i. c. 8.

choose all things in order to their end;"—and the laws are made for public defence, security, and profit; so it is in religion and the laws of God. When we give alms, we are commanded not to blow a trumpet, so being warned against pride; but if, without that instance or signification, we be really proud, or value ourselves upon that account; or despise our brother as less holy, or oppress the fatherless and widow, though without that pretence of holiness and the advantages of hypocrisy, they are greater breakers of the commandments, than by their fond and fantastic proclamations of their charity. Thus we find in St. Paul[b] an express prohibition, that we "should not make provision for the flesh to fulfil the lusts thereof;" that is, that we do not take in great stowage of meat and drink, or use arts of sharpening the desire, or caressing the fancy, to make the pleasures brisk and active, and the sense quick and pleased: but some there are that make temperance the instrument of pleasure, and the minister of sensuality, and can be most pleased when they take the least care; and some mind the pleasures so as they will not tarry for the instruments, or need them not; in these and the like cases, if there were no distinct prohibition of that evil effect, yet it were sufficiently prohibited in the prohibition of the instrument. But because most of the evil effects of evil instruments are, expressly and by name, forbidden in the New Testament, this rule is of use principally in the aggravation and condemnation of sin; and it means that every judgment and every evil we suffer, which we were foretold of, and which is a foreseen effect of such an action, is to be imputed to us; and besides the direct sin, we are also guilty of uncharitableness, by doing that which we know will hurt us. God, in the forbidding the sin, commands us also to preserve ourselves, and, besides the sin, is angry at the very death.

2. This rule hath two limitations: 1. It is not to be understood of events contingent and accidental; but either natural and proper, or foretold and threatened, or at least usual and noted. He that maliciously sows false doctrine in the church, is answerable, not only for the heresy, but for the mischief that he intends, or is willing it should produce;

[b] Rom. xiii. 14.

but if another man, to spite him, or to hinder his fame, shall set up a contrary heresy, although this was the spawn of the first toad, yet because it was an equivocal production, it shall be no otherwise imputed, but to reproach him amongst men, to reprove his folly, and to be an argument of a speedy repentance.

3. But, 1. Whatsoever effect is natural to a forbidden action, is directly upon the same account. Thus, whosoever divides the church, to him are imputed all the evil effects of schism, which are its natural productions. If an imperious, foolish woman, by a continual inquietude, by her evil nature and a vexatious spirit, so disturb her husband's quiet, and the ease of his soul, and the comforts of his life, that he also lose his health,—she is not only guilty of the violation of the laws of love, and duty, and meekness, by which she is bound to God and to her husband, but is guilty of murder, or high injuriousness and uncharitableness, according to the degree of the mischief, which she sees impressed and growing upon him.

4. (2.) Whatsoever event is foretold and threatened, all that also is imputed to him, that does the forbidden action to which it is threatened; and he is directly 'felo de se,' who by lust brings upon himself the rottenness of life, far worse than the putrefaction of the grave; and he is a perfect prodigal of his fortune, who, by committing sacrilege, invites the worm, and calls a spirit of unthriftiness and consumption to his estate; and he that grieves the Spirit of God, and causes him to depart, is guilty of that beggary and baseness of spirit, with which such evil usages of the holy Spirit of God are often punished. For as God forbade some sins, not only for their own sakes, but that others which are their foul issues, might be strangled in the womb; so he forbade all sins, and laid direct and collateral restraints upon them, that man might not be unhappy, and extremely miserable. As, therefore, he who by one sin introduces another, is guilty of both; so he who brings any evil which God graciously intended should not fall upon us, to him that evil is to be imputed, and that evil also does either directly or accidentally, according to the nature of the subject matter, increase his guilt.

5. (3.) If an evil effect be not either natural or threatened,

yet if it happens ordinarily, and be noted, it is to be imputed to him, who does that evil and forbidden action, which does infer it. The reason is, because he wilfully sins against the purpose of the law, who will not prevent that evil, which the law intendeth to prevent, and makes the law void and illusory, that is, destitute of its effect, and perfectly in vain as to that intention. Thus it is observed that the father's or the mother's curse destroys the pleasures of a sin, and the gaiety of a fortune, and the prosperity of an offending child: he, therefore, that shall do a forbidden action, which shall bring such a curse upon himself, is not only justly punished, and is to impute that to himself perfectly and alone,—but if, upon his account, evil descend upon his posterity or relatives, he is guilty of that evil, and is a direct sinner in their punishment.

6. (2.) The other limitation which I am to interpose, is this: That the evil effects of an evil action are imputed but in proportion to the will and actual understanding, beyond the sphere of which whatsoever does happen, it is collateral and accidental both to the intention and to the time. A man's action hath a proper life of its own, and it leaves a permanent effect, or is productive of the same by a continuing emanation; this, if it be foreseen, and considered, and chosen, is as imputable as if it were present or immediate. But because a man can see but so far, and hath a limited efflux and impression by all his actions, he is not to be judged or condemned by any thing that shall happen beyond that proper extension; and if some Polonians or Transylvanians, English or French, make ill use of the arguments of Arius, it is not to be supposed that it shall be put upon Arius's account at the day of judgment, and that his or any man's damnation shall increase upon such accounts, which as they are beyond the intention of the man, or the efficacy of his action, so also beyond the distance of his prevision.

7. But for this, that rule which is nearest to exactness, is this,—No effect which happens after a man's death, is imputable to him as a new sin.—So far as it was actually intended and designed in his lifetime, or foreseen and not reversed, so far it is imputed upon the stock of the present malice, not of the future event; his own act and his own intention for the present, and his actual design of the future,

are sufficient load upon him; but then because his act and his actual design could not live after his death, therefore nothing beyond the life of the man can be a new sin: because as he cannot actually or habitually will that event, so neither can he rescind it: if he cannot will it in any sense, it can in no sense be imputed; but if it could be willed, then it may also be refused and rescinded, which because it is impossible, therefore the increase of evil stands not at his door that occasioned it, and cannot either will it any more, or hinder it. This is that which is meant by our blessed Saviour; "The night comes when no man worketh;" and whatsoever is beyond the line of life, is also beyond the line of malice; and, therefore, cannot increase or begin upon a new score, when the whole stock is spent.

8. Lastly, that which proves all this, does also further explicate the rule: whatsoever event depends upon the will of another, is so contingent in respect of him that first set the evil on work, that it is no longer upon his account, than he actually or habitually desires it or endeavours: because now the evil hath a new cause, and every emergent event is upon such a cause, as cannot be forced, or indeed produced, by any thing besides itself: and, therefore, to itself only it is to be imputed, excepting where the malice of the first agent hath an actual or intended influx into the second.

RULE V.

The Laws of Jesus Christ are the Measures of the Spirit, and are always to be extended to a spiritual Signification.

1. It was a fair character that was given of the Christians [a], Πείθονται τοῖς ὡρισμένοις νόμοις, καὶ τοῖς ἰδίοις βίοις νικῶσι τοὺς νόμους· "They obey the laws appointed for them, and, by the piety and charity of their lives, excel even the measure of the laws themselves:" for by what instance soever God would be glorified, and by what charity soever our brother can be relieved, and by what justice societies are established and

[a] Per Scriptor. Diognetum.

continued, in all that they exercise themselves according to their whole power, and would do more if they could, and sometimes do more than they are required; and oftentimes with better circumstances than are exacted, and always with a mind more ready than their hand.

2. Human laws can exact but the outward action; they neither can command the understanding nor judge the will, because they cannot secure that, nor discern this; and without these two, their interest is well enough preserved. He that pays my money, though it be against his will, does me justice, and is quit before the king; and if he dissembles, yet if he gives me good words, I cannot implead him of calumny or slander. Thus the Pharisees[b] understood the law of Moses, and called him innocent whom the laws could not charge; but, therefore, Christ calls them to new accounts. He that offers a pure lamb to God, may dishonour him with a foul thought: and no sacrifice is pure by the skin and colour, but by the heart and hand of him, that presents it. Acts of external religion are publications of the divine honours, but the heart does only pay them; for there it is that God does sit judge alone; and though he hath given us bodies to converse below with a material world, yet God's temple is in heaven, in the intellectual world; and the spirit of a man is the sacrifice, and his purest thoughts are oblations, and holy purposes are the best presents, and the crucifixion of our passions is the best immolation, the only beasts of sacrifice, and the cross of Christ is the altar, and his passion is the salt of all our sacrifices, and his intercession makes the sweet perfume, and so atonement is made by the blood of the Lamb, and we are accepted in our services, and our wills are crowned with the rewards of a holy obedience: if our hearts be right, our services will never be wanting or rejected; and although our hearts can supply the want of external power, yet it is certain that nothing can supply the want of our hearts, and of good affections; these must be entire; for they are God's peculiar portion, and, therefore, must not be divided. Plutarch[c] tells of Apollodorus, that he dreamed he was taken by the Scythians, flayed alive, and then cut in pieces, and thrown into a boiling

[b] Matt. vi. and Matt. xxiii.

[c] De Ser. Num. Vind. Wyttenbach, p. 39.

caldron, where his heart leaped forth into the midst of all the little portions of flesh, and told them, 'I am the cause of all this evil.' It was something like that saying of St. Bernard, "Nihil ardet in inferno, nisi propria voluntas:" "Nothing burns in the eternal flames of hell, but a man's heart, nothing but his will:"—for from "the heart proceed evil thoughts, adulteries," &c., said our blessed Saviour[d]: but, therefore, God requires the heart, that is, that the principle of actions be secured, and the 'principalis domus,' 'the chief house,' where God loves to dwell and reign, be kept without thieves and murderers. This, then, is the first sense of the rule; that our obedience which Christ exacts, is a sincere obedience of the will, and is not satisfied with the outward work. He that gives alms to the poor, and curses them in his heart; he that entertains an apostle in the name of an apostle, and grudges the expenses of his diet;—is neither charitable nor hospitable, and shall neither have the reward of an apostle nor a brother. In vain it is to wash a goblet, if you mean to put into it nothing but the dead lees and vap of wine; and a fair tomb of amber was too beauteous and rich an inclosure for Martial's[e] viper and his fly.

Introrsus turpem, speciosum pelle decora[f].

But this is a caution against hypocrisy in the moral sense of the words, but the legal sense of the rule is, that, in all laws, the first intention is, that God be served with the will and the affections; and that these be never separated from the outward work.

3. (2.) But it is also meant, that the whole design of the laws of Jesus Christ is to be perfective of the Spirit, and his religion is a spiritual service; that is, permanent and unalterable, virtuous and useful, natural and holy, not relative to time and place, or any material circumstances, nor integrated by corporal services; the effect of which is this:

4. (1.) The body of the Christian services does wholly consist of natural religion, that is, such services, whereby we can glorify God and represent our own needs; that is, prayers and eucharists, acts of love and fear, faith and hope, love of

[d] Matt. xii. 15, 19, 34. [e] iv. 59. Mattaire, p. 81.
[f] Hor. ep. i. 16, 45.

God and love of our neighbour, which are all those things, by which we can be like God: by which we can do good, and by which we can receive any: and excepting the sacraments whose effect is spiritual, and the sense mysterious, and the rites easy, and the number the smallest of all, there is, in the digest of the Christian law, no commandment of any external rite or ceremony.

5. (2.) As it intends wholly an exclusion of the Mosaic ceremonies, so it will not admit a body of new and super-induced ceremonies; for they are, or may be, as much against the analogy of the spiritual law of Christ, as the other. The ceremonies of the Christian services must be no part of the religion; but either must be the circumstances of the religion, or the intemperate acts of some virtue: the Christian must be in a place when he prays, and that place may be determined, and thither he must go, and yet he may go any whither else; his action is finite, and must be done in time, and that time may be appointed him, and then he must do it at that time, and yet he may do it at any time else: if he be commanded by his superiors to pray kneeling, he must kneel at the appointment of the law; and yet he may, in his own devotions at another time, fall upon his face or pray standing. But the Christian and the Mosaic ceremonies thus differ:

1. The Mosaic rites were appointed by God; the Christain only by men.

2. Consequently they are necessary parts of religion, these are not.

3. The Mosaic ceremonies did oblige every where; the Christian only in public.

4. They were integral parts of the religion: these are but circumstances and investitures of the religious actions.

5. These are to be done with liberty; but the Jews were in bondage under theirs.

6. Ours are alterable, theirs lasting as their religion.

7. Theirs were many and burdensome, ours ought to be few; of the number of which our superiors are to judge by charity, and the nature and common notices of things, and the analogy of the liberty and laws of Christianity. But although there are no publicly described measures beforehand, by which princes or prelates shall appoint the number

of their ceremonies; yet there is in reason and common voices sufficient to reprove the folly of him, who because he would have his body decently vested shall wear five-and-twenty cloaks: 'stola et tunica;' something for warmth and something for ornament does well; but she that wears so many adornments on her head and girdle, that it is the work of half a day to dress her, is a servant of the tire of her own head; and thinks neither her soul nor her body, but her clothes, to be the principal. By this I intend to reprove the infinite number of ceremonies in the Roman church; they are described in a great book 'in folio;'

Quem mea non totum bibliotheca capit:[g]

my purse will not reach to buy it: but it is too like the impertinency of the busily idle women I now mentioned: and although, by such means, religion is made pompous and apt to allure them that admire gay nothings, and fine prettinesses; yet then it also spends their religious passions and wonder in that, which effects nothing upon the soul. It is certain, that actions of religion must be fitted with all those things, which minister to decent, and grave, and orderly, and solemn actions: but they must be no more but a just investiture of the religious action; and every thing can distract us in our prayers, and all the arts of watchfulness and caution are too little to fix our intentions in them; and therefore whatsoever can become a proper entertainment of the mind, can also be a diversion of the devotion and a hindrance to the prayer. The sum is this;—ceremonies may be the accidents of worship, but nothing of the substance.—This they were among the Jews, that they may be amongst the Christians, time and place for the action: habit and posture for the men; that is all religion needs, whatsoever else is grave and decent, and whatsoever else is orderly, is not to be rejected: but if it be not these, it is not to be imposed: and when they become numerous or grievous, they are to be removed by the same lawful hand, that brought them in.

6. (3.) In the Christian law, all pnrities and impurities are spiritual; and the soul contracts no religious change without her own act: he that touches a dead body, though he does

[g] Martial. xiv. 190. Mattaire, p. 284.

not wash, may lift up pure hands in prayer; but if his soul be unclean, no water, no ceremony will wash him pure without repentance:

> O nimium faciles qui tristia crimina cædis
> Tolli fluminea posse putatis aqua.

It had been well, if, in all ages, this had been considered, and particularly in the matter of marriage: for when single life was preferred before the married for the accidental advantages to piety (especially in times of persecution), which might be enjoyed there rather than here, some from thence extended their declamation further,—and drawing in all the auxiliaries from the old law, began to prefer single life before marriage, as being a state of greater purity; and then, by little, they went on thinking marriage to be less pure, till at last they believed it to be a state of carnality; and with the persuasions of men, effected by such discourses, were also mingled the discourses of heretics, who directly condemned marriage, and that which descended from this mixture of doctrines, some false, and the others not true, was a less honourable opinion of that holy institution on which God founded the first blessing of mankind; and which Christ hath consecrated into a mystery, and the Holy Spirit hath sanctified by the word of God and prayer, and which is the seminary of the church, and that nursery from whence the kingdom of heaven is peopled. But if marriage be lawful, then he that lives in that state as he should, contracts no impurities,—but is capable of any holy ministry, and receptive of any sacrament, and fit for any employment, and capable of any office, and worthy of any dignity. Let them who have reason and experience to verify their affirmative, speak all the great things of single life that can be said of it, and they may say much; for the advantages are many which are in a single life, and in a private state, and an unactive condition, and a small fortune, and retirement; but then, although every one of these hath some;—yet a public state, and an active life, and a full fortune, and public offices, and a married life, have also advantages of their own, and blessings and virtues appropriate; and in all God may be equally served, according as the men are, and the advantages neglected or improved. But that which I insist upon is, that to be rich is no sin, and to be a

public person is no crime, and to be married is no impurity: and, therefore, to suspect a disproportion between this state, and spiritual actions or offices, is a jealousy whose parent is heresy, and pride and interest are its nurses. Fornication is uncleanness,—and concubinate and voluntary pollutions, and unnatural lusts, are uncleanness, and make us unworthy to approach either to the altar or to the rails; but marriage, that fills heaven, makes no man unfit for churches or holy offices.

7. Upon this account I am also to take away those scruples which have been thrown into men's consciences by some indiscreet persons, concerning involuntary pollutions; concerning which we find many absurd stories of friars, and of pretended temptations and spites of the devil to hinder them from receiving the holy sacrament, by procuring such accidents to them before the solemnity: which persuasion was wholly upon this account, that the spirit could be polluted by something that is without; and that the accidents of the body could defile the soul, and this and the like were the accidents that could do it. In which cases it is without all peradventure true, that if the soul consented not before or after, neither nature, nor nature's enemy, are to be taken into the accounts of just dispositions or indispositions to spiritual ministries; if we serve God with our whole mind, and with all our heart, and do what we can that is good, and avoid all evil that we can avoid, we cannot be prejudiced by what we cannot avoid.

8. (4.) Although the spirituality of the Gospel excludes all shadows of ceremonies, and all bodily rites, from being of the substance of religion; yet this spirituality does not exclude the ministry and service of the body; for the worship of the body may also be spiritual: to worship God with our bodies is λογικὴ λάτρεια, a 'reasonable[b],' and therefore a 'spiritual worship.' Thus when the eyes are lift up in prayer, when the bowels yearn with pity, when the hands are extended to fill the poor man's basket, the body serves the spirit, and the spirit serves God, and all is a spiritual religion. But because a bodily religion, such as was that of the Jews, cannot be a spiritual religion, such as must be that of the

[b] Rom. xii. 1.

Christians, and yet the service of the body is also a part of the ministry of the Spirit; the rule which can determine our conscience in the instances of this article, is this:

Whatsoever is an elicit or imperate Act of Virtue, whether it be acted by the Soul or by the Body, is an Act of spiritual Religion.

For in virtues, there is a body and a soul; and all transient actions, or 'ad extra,' have something of materiality in them, which must be ministered to by the body. For therefore our blessed Lord hath commanded mortification of our bodies, that our bodies may become spiritual; and as acts of understanding are ministered to by material phantasms, so are the most spiritual acts of virtue, the love and the fear of God by sad spectacles, and gracious accidents, by feeling good and suffering evil; and as the actions of discerning sensitive objects are direct products of the soul, but yet have for every one of the faculties a proper organ in the body: so have the virtues of a Christian; they are acts and habits of a sanctified soul, but to some the hand does co-operate, to some the eyes, and to some all the body, that as the graces of the soul are commencements and dispositions to glory; so these spiritual ministries of the body may nourish it, and dispose the body to its perfect spirituality in the resurrection of the just.

8. But then these ministries of the body are then only to be adjudged a spiritual service, when the soul and the body make but one entire agent, just as when the soul sees by the eye, we say the eye sees; because that seeing is the action or passion of the soul, which uses that organ in her operation: so when the act of the body and soul is but one and the same product of religion, it is the soul and the spirit which is the principal agent, and from thence the action must be denominated to be spiritual. But as when the eye is made to twinkle and look sprightfully, or amorously, or is proposed as a piece of beauty, and does something of its own, but no natural and proper ministry of the soul, it is the instrument of vice or vanity, and not of the soul: so it is in the services of the body, if the body of our services be not the product of the soul, and the imperate act of some virtue, or the proper specific act of some grace, it can never be a

part of the religion. St. Paul [i] hath given us perfect measures in this inquiry, "To give our body to be burned, to give all our goods to the poor, to have all faith," are but the bodies and outsides or material parts of our religion, and are good for nothing: but when all these proceed from charity, that is, from a willing, a loving spirit, from a heart that is right to God, that is desirous to please him,—then faith justifies, and giving gifts to the poor, is true alms, and giving our bodies to the fire, is a holy martyrdom: and, in this sense, dressing bodies to their burial, is an act of a spiritual grace; to adorn places of prayer, to build them and fit them for the service of God, is an act of spiritual religion,—to minister to the poor, to dress children, to make them clean, to teach them their catechisms, though bodily ministries, are yet actions of the spiritual religion of a Christian. But from this, those things only are excluded, which either are not the direct productions of a sanctified soul, or proper and prudent ministries to some virtue.

9. (5.) The spirituality of the laws of Jesus Christ have yet one effect more: in all contracts or interfering of laws, or senses of the laws, the spiritual sense is to be preferred, the spiritual action is to be chosen. By which it is not meant that ever there can be a dispute between the act of the mind and an act of the body; because as no man, and no thing, can hinder the soul from willing or understanding, from loving or hating, from fearing or slighting, from valuing or neglecting its proper object: so the act of the body, which is to minister to the soul, cannot stand in contradiction to that, to which, in the very nature of the thing, it is subordinate. But the meaning is, when laws are to be expounded, that sense is to be chosen, which more relates to an act of grace, than that, which is nothing but an external ministry. Thus, if the question be between the beautifying of a chapel, or the rescuing of the poor from famine, although that might be an act of spiritual religion, when religion requires that specification of an act; yet because that hath less of the spirit in it than the other, and is not required in the presence of the other, this is to be adjudged the more spiritual, because it is the more holy. If

[i] 1 Cor. xiii.

the question be between keeping of a holy day, or doing charitable reliefs to necessitous people, Christ, in the instance of the sabbath, hath taught us to prefer charity before external ministries; obedience before sacrifice, mercy before oblations; and did not only make way for the taking off all mere bodily rites, but also for the expounding his own laws to the more spiritual sense, that is, to the compliance with the most excellent and useful grace. So also for the exposition of laws expressed by material significations: as cutting off the hand, plucking out the right eye, eating the flesh of Christ, drinking his blood,—the flesh, that is, carnal commentaries, profit nothing: but these words are spirit and life; that is, they are neither to be understood nor practised in the material, but spiritual sense.

10. But as to the general conduct of the conscience in all these inquiries, the rule is this:—All acts of virtue are to be preferred before the instruments of it: and that which exercises it, before that which signifies it; and the inward acts before the outward.—Thus when fasting is appointed in order to prayer, and yet both cannot be together (for that by fasting we are disabled to pray), there it is, that prayer must be preferred and fasting let alone. If corporal austerities be undertaken for mortification of a rebellious body; if they hinder the body in the direct ministries to the soul in other cases, and become uncharitable, charity is to take place, and the austerities may be supplied by something else. Now this rule hath in it no exception nor variety but this: that it is to be understood in instances of corporal and spiritual acts, that are of a disparate nature, and but only accidentally subordinate, as fasting to prayer, keeping holy-days for the special ministries of religion, lyings upon the ground to chastity, and the like: but in the actions internal, which are proper exercises of a virtue, —the external, which is directly, naturally, or by institution, subordinate to the internal, must never be omitted upon pretence of preferring the internal, because they never can contradict one another; as it never can be disputed whether the soul or the eye shall see; for the soul sees by the eye, and cannot see without it; and it may so happen in the external acts of virtue ministering to the internal; as, in some cases, a man is not charitable, unless he extends his hand to the poor,

or lifts him out of a ditch, or guides him in the way. This instance and sense of the rule we learn from St. James[k]: "If a brother or a sister be naked and destitute of daily food, and one of you say unto them, Be ye warmed and filled, notwithstanding ye give them not those things which are needful to the body, what doth it profit?" That is, it is in vain to pretend internal charity without the external: in many cases, it cannot be without it; and when it can, it is because there is no object for the act, or no possibility to do it, and then the internal is to be done, not by way of preference to the external, but in destitution of it and supply. But this will be yet further explicated in the following rule.

[k] James, ii. 15.

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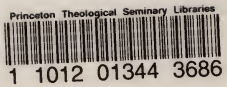

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